United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

HOUSE OF REPRESENTATIVES—*Wednesday, May 21, 1997*

The House met at 9 a.m.

The Chaplain, Reverend James David Ford, D.D., offered the following prayer:

We know, O gracious God, that You have called all people to do the works of justice in our communities, our Nation, and in our World. On this day, we are especially aware of the contributions of those who have served in Government and have used their abilities and gifts in ways that have strengthened the common good, enhanced the security of every person, and have shown compassion for the neediest among us.

We acknowledge the high honor that the citizens of this Nation have given them, and we pray that Your blessing will be with them now and in all the years to come. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina [Mr. COBLE] come forward and lead the House in the Pledge of Allegiance.

Mr. COBLE 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.

RECESS

The SPEAKER. Pursuant to the order of the House of Friday, May 16, 1997, the House will stand in recess subject to the call of the Chair to receive the former Members of Congress.

Accordingly (at 9 o'clock and 3 minutes a.m.), the House stood in recess subject to the call of the Chair.

RECEPTION OF FORMER MEMBERS OF CONGRESS

The Speaker of the House presided.

The SPEAKER. On behalf of this Chair and this Chamber, it is a high honor and distinct personal privilege to have the opportunity of welcoming so many of our former Members and colleagues as may be present here for this occasion. We all welcome you.

The Chair at this time would recognize the distinguished majority leader, the gentleman from Texas [Mr. ARMEY], who may well be on the way. We were in session until 4 this morning. Many of you remember with fondness those particular events.

Let the Chair proceed out of order, if he might. Since the distinguished gentleman from Maryland [Mr. HOYER], the Democratic nominee, is here, the Chair will recognize him prior to the gentleman from Texas [Mr. ARMEY].

The Chair would say after a 4 o'clock session, Mr. HOYER does deserve a small round of applause for being here on time.

Mr. HOYER. I know that all of you lamented the fact that you were not Members of the Congress of the United States last night, and you remember fondly those 3 o'clock in the morning sessions that we had, and you thought to yourself, what a great institution this is.

I want to say that I am pleased to be here. Mr. Speaker, I am certainly pleased to be here with you. Last night was reminiscent of the first 100 days of the Contract With America, where it seemed to me we never stopped meeting.

Mr. Speaker?

He is not listening. That is typical of what we Democrats, the kind of respect we get around this House nowadays.

I was pressed into service by a power even greater than the Speaker's. Charlie Johnson, our Parliamentarian, asked me to be here this morning, and he asked me at 3 o'clock in the morning, a particularly unfriendly request, I thought.

But all of us spend a lot of money not to join your ranks. Senator Beall and my predecessor, Carlton Sickles, who held this seat, and I am so glad to welcome back my good friend and colleague, Bev Byron from Maryland. We have a number of Marylanders. Too many of them are former Members. I am not going to mention all of your names. But Lindy Boggs, I think probably only Bev Byron and Lindy Boggs have known me since long before I went to law school even.

I am pleased to be here with you and welcome all of you back. It must be a great experience to come back and be with your colleagues. This is an incredibly wonderful institution. We kid about it. Obviously, there are tough times. You saw last night, I think, a demonstration of that.

Mr. Speaker, I want to congratulate you on your remarks last night, which I thought were very appropriate. The President, the Speaker, the Democrats, and the Republicans in the House, coming together to try to pass a budget that nobody really thought was the budget they would have selected, clearly, but it was a budget that obviously a very large number of folks, indeed, I think only 99 voted against it, felt was in the best interests of our country.

I see Larry Hogan, another one of my predecessors. Unlike Glenn, he is still constrained to sit on that side of the aisle. Old habits die hard, right, Larry?

As a matter of fact, Larry's son ran against me just a few years ago, now that I think of it.

This institution, of course, generates, I think, incredibly strong friendships among us on either side of the aisle, and although there is a great deal of partisanship that has been reflected over the last few years, more than when I first came, which I think is lamentable personally, nevertheless, I think that as the newer Members get here, the longer they are here, the less partisan they become; not necessarily, as all of you have experienced, less convicted of the principles with which they came, but less convinced that the folks who do not agree with them are not good Americans as well.

I think those of you who are former Members are not Republican former

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

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Members or Democratic former Members, but former Members who contributed greatly to your country, to your districts certainly, and your States, but to this institution as well. On behalf of DICK GEPHARDT and DAVID BONIOR and VIC FAZIO and the rest of the leadership, I am very, very pleased to welcome you back and to thank you for the shoulders on which we try to serve as well as you did.

Thank you very much.

The SPEAKER. I want to note for the distinguished gentleman from Maryland that the Parliamentarian arrived during his talk, but shortly after his notice of the IOU that the Parliamentarian owes him, so the Parliamentarian should at some point be reminded of this institutional obligation.

Let the Chair, on behalf of the majority, just say several things. First of all, the point that Mr. HOYER made about all of us in a very real sense standing on your shoulders is literally true, partly because you trained us.

I think back to working with Mrs. Boggs on the restoring of the House project. I think about times I worked with Chairman Tom Bevill as he put together the various water projects that we worked on together. I think of how much I learned from my very first leader, John Rhodes, and how much more I learned from Bob Michel.

I can tell Bob in particular that there were several times yesterday when we were in the middle of an exciting vote, in an effort that ran from about 2 o'clock yesterday afternoon until 3 o'clock this morning, that I thought of the number of times that you had made a decision and decided to live it out, and you did not really know for sure whether you would win or lose, but you knew it was better to go ahead and stick to it once you had done it than it was to spend a whole lot of energy worrying about it. We worried a tad during the evening, but we ended up winning 216 to 214 in a magnificent show of bipartisanship.

Mr. HOYER. Mr. Speaker, excuse me for interfering. I did not know he was here, but in 1962 there was a House Member, and his office was next to Otis Pike's, and there was this young kid at the University of Maryland that wanted to get into politics. So he came to his office and he volunteered, and he ran a robo machine and then did that doggone machine that you did the newsletters on, that you got so dirty that you would never get the ink off, I thought. And that fellow is here. I worked for him for the last year I was at the University of Maryland and for 3 years at Georgetown Law School. He was responsible, very frankly, not only for my being able to go to law school but for the fact, I think, that I am here. Dan Brewster, former U.S. Senator from our State.

The SPEAKER. I appreciate the gentleman's intervention. I would say I can hardly give you a better example of the point you were making and I am trying to reinforce. Literally, there is an organic chain of being that goes back to the very founding of this Congress, and in that sense we owe all of you a debt for having helped create the institution.

The other thing I would say to you: We need your help. This institution, like virtually every institution in America, is changing. Many of you were here before C-SPAN. At least a few of you were here before we went to electronic recording of votes, and you know the institution was different when you had to stay on the floor long enough to get through the rollcall. You know that the whole social interaction was different.

We are changing in many ways. I arrived at the very beginning of the C-SPAN era. Beginning in January 1995, we began to move toward putting the Congress on line. You can now access it through the Thomas System as well as a variety of other systems.

When I announced in a 1-minute last Friday that the budget agreement would be available on the Internet literally before GPO could print it, in the first hour after my 1-minute speech there were 10,000 connections with the site that had the budget agreement. People all over the country were getting it for free. They did not have to have a lobbyist; they did not have to have a subscription to a fancy service.

However, the core of the institution, I think, has probably not changed since the Continental Congress or since the various assemblies of the colonies. Human beings have to come together from different places, each empowered by their citizens, each bringing their hopes, their dreams, their personalities, their idiosyncracies. They have to gradually find a way to work together, because if you can't, you can't get 218 votes and you can't get anything done. It is as frustrating, confusing, and human as it was in the very beginning.

I think all of you can continue to serve your country and help all of us to the degree you can find the time, whether in a classroom or a civic club or in the news media, to explain and educate about this complex, frustrating, and difficult process.

We have to get the country to understand that at the heart of the process of freedom is not the Presidential press conference, it is the legislative process; it is the give and take of independently elected, free people coming together to try to create a better product by the friction of their passions and by the friction of their ideas.

Each of you, having lived it, having been there, having been here at 4 o'clock in the morning, having been in the conference committees, having been in the subcommittees, having been in the hearings, each of you can do an immense amount to help younger Americans learn that this is the inevitable process by which freedom survives and renews itself.

In that sense, I think that this 27th annual meeting of the U.S. Association of Former Members of Congress is a patriotic meeting and that you serve a patriotic service.

Last year, I was very proud when you honored my leader, Bob Michel, with your Distinguished Service Award. This year, you are going to recognize a gentleman who has gone on to serve his country in new and even more famous ways, although I doubt if he will travel much more as the U.N. Ambassador than he did as a Member of Congress, because he set the alltime record for one-man delegations to weird and obscure places. But Bill Richardson certainly has earned the Distinguished Service Award by the act of distinguished service, and I am glad you are doing that.

Now it is my great honor to request the past president of the Association to take this chair, the gentlewoman from Louisiana, Lindy Boggs.

Mrs. BOGGS (presiding). Thank you, Mr. Speaker. It is an honor, of course, to be here to preside over this historic meeting. I am very, very pleased to be here.

The Clerk will now call the roll of former Members of Congress.

The Clerk called the roll of the former Members of Congress, and the following former Members answered to their names:

ROLLCALL OF FORMER MEMBERS OF CONGRESS ATTENDING 27TH ANNUAL SPRING MEETING, MAY 21, 1997

William V. (Bill) Alexander of Arkansas;
Chester G. Atkins of Massachusetts;
J. Glenn Beall, Jr., of Maryland;
Tom Bevill of Alabama;
James H. Bilbray of Nevada;
Lindy Boggs of Louisiana;
Daniel B. Brewster of Maryland;
William Broomfield of Michigan;
Donald G. Brotzman of Colorado;
Glenn Browder of Alabama;
Clarence J. Brown of Ohio;
James T. Broyhill of North Carolina;
Jack Buechner of Missouri;
Clair W. Burgener of California;
Beverly B. Byron of Maryland;
Elford A. Cederberg of Michigan;
Charles E. Chamberlain of Michigan;
Barbara Rose Collins of Michigan;
William C. Cramer of Florida;
Robert W. Daniel, Jr., of Virginia;
E (Kika) de la Garza of Texas;
Ron de Lugo of Virgin Islands;
Joseph J. Dioguardi of New York;
John N. Erlenborn of Illinois;
Marvin L. Esch of Michigan;
Louis Fry, Jr., of Florida;
Robert Garcia of New York;
Robert N. Giaimo of Connecticut;
Robert A. Grant of Indiana;
Gilbert Gude of Maryland;
Robert P. Hanrahan of Illinois;

Dennis M. Hertel of Michigan;
Lawrence J. Hogan of Maryland;
Margorie Holt of Maryland;
Elizabeth Holtzman of New York;
John W. Jenrette, Jr., of South Carolina;
Don Johnson of Georgia;
Hastings Keith of Massachusetts;
David S. King of Utah;
Herb Klein of New Jersey;
Dan H. Kuykendall of Tennessee;
Peter N. Kyros of Maine;
Lawrence P. "Larry" La Rocco of Idaho;
Norman F. Lent of New York;
Jim Lloyd of California;
Cathy Long of Louisiana;
Romano L. Mazzoli of Kentucky;
James A. McClure of Idaho;
Lloyd Meeds of Washington;
Robert H. Michel of Illinois;
Clarence E. Miller of Ohio;
John S. Monagan of Connecticut;
G.V. "Sonny" Montgomery of Mississippi;
Frank E. Moss of Utah;
James L. Nelligan of Pennsylvania;
Stanford E. Parris of Virginia;
Claiborne Pell of Rhode Island;
Shirley N. Pettis of California;
J.J. Pickle of Texas;
Otis G. Pike of New York;
Richardson Preyer of North Carolina;
Joel Pritchard of Washington;
Bill Richardson of New Mexico;
John J. Rhodes of Arizona;
John J. Rhodes III, of Arizona;
Matthew J. Rinaldo of New Jersey;
Paul G. Rogers of Florida;
Toby Roth of Wisconsin;
Philip E. Ruppe of Michigan;
Marty Russo of Illinois;
George E. Sangmeister of Illinois;
Harold S. Sawyer of Michigan;
James H. Scheuer of New York;
Richard T. Schulze of Pennsylvania;
Phil Sharp of Indiana;
Carlton R. Sickles of Maryland;
Jim Slattery of Kansas;
Neal E. Smith of Iowa;
Al Swift of Washington;
James W. Symington of Missouri;
Charles W. Whalen, Jr., of Ohio;
George C. Wortley of New York;
Beryl Anthony of Arkansas;
Richard Chrysler of Michigan;
Ronald Coleman of Texas;
Lane Evans of Illinois;
Harry Haskell of Delaware;
William Hathaway of Maine;
Bill Lowery of California;
Paul McCloskey of California;
Howard Pollick of Alaska.

Mrs. BOGGS. The Clerk has reported that 80 Members are present, so we will call this session together.

It is now my tremendous pleasure to present the innovative, highly successful, intelligent, hard working president of the Former Members of Congress Association, the gentleman from Florida, Mr. Frey.

Mr. FREY. Madam Speaker, where were you when I was running for Governor?

Mrs. BOGGS. Mr. Frey is recognized to give a report on his presidency and the work of the association in the past year.

Mr. FREY. Madam Speaker, thank you for those kind introductory remarks. They are obviously deeply appreciated.

All of us are pleased and honored to have this opportunity once again to be on the House floor to present the 27th annual report to the Congress. I want to thank the Speaker, NEWT GINGRICH, the minority leader, all Members of the Congress, and the gentleman from Maryland. Thank goodness there were not any more people from Maryland here; we would not have gotten to the meeting, I do not think.

Madam Speaker, this association is in its 27th year since its inception, has over 600 members and an annual budget in excess of $700,000, which is going to reach this year probably close to $1 million. We are a bipartisan, or probably more correctly a nonpartisan, organization, united by the knowledge it was a unique privilege to serve in the Congress and also with the understanding that we have an obligation to continue to give back to this country which has done so much for each and every one of us.

Certainly it is an interesting time to serve in the Congress but is also an interesting time to be involved with the Association of Former Members, which has really changed significantly over the last number of years. What started out as basically an alumni association has changed into an organization that has taken on more and more government-related tasks and has developed, in accordance with its charter, a number of programs, both domestic and international, to promote the improved understanding of Congress as an institution and representative democracy as a system of government.

There are probably several reasons for the dynamic change. The first is that fewer and fewer people are serving longer and longer in Congress, some by chance and some by choice. So people are leaving Congress. Some go on and serve in key positions, such as, obviously, the Vice President, or Tim Wirth. Many of our former Members have served in key positions, but many are still looking for something to do, something to do in the public service area, and this organization gives them that chance.

Also, and the Speaker mentioned it, our institutions are under attack. Just this week there was a new book that trashed the Congress and said everybody who served here was basically either a sexist or stupid or both, I am not sure in what order, and it is obviously by people who have never been in combat as such, always the guy on the side lines. But it is the thing to do. It is really easy to do.

As we travel around, I think we find that those of us who have nothing to gain or are not running for political office, who really love this place, in some ways have a certain degree of credibility for those of us in politics that maybe does not exist anyplace else, and I think it is important that we do get out to the colleges and campuses, as we have done.

It is a difficult time to serve in public office, but this institution and what we have been given here is absolutely fundamental to the freedom that this country has. We haven't been free all that long. We are the longest lasting democracy, but it hasn't been all that long, and it isn't because we have been lucky, it is because people have worked at it, people of both parties who sincerely care about this country.

One other reason this organization is becoming more and more needed is the demand for time. Late sessions obviously, but a Congressperson has so much to do, and there is so much media, so much need to educate. We are always on call. Sitting out here is more knowledge probably than in any place in this country, people who know more about issues and worked on them than anyplace else. It is an incredible asset for this Nation that we have and all of us have.

I think, lastly, more than anything else, we are all united by a true love of this institution. I think the word "privilege" to me is the word that describes how I feel about this, and I know how each and every one of you feel about it.

In a minute I am going to yield to various Members who have done and been involved in certain areas to let them tell you a little bit about what it is and let the people out there listening understand more about us, but because of a scheduling problem in terms of the need to get to a couple meetings and probably rescue some hostages, we are going to move out of order a little bit and give our distinguished service award. We do that each year to someone in the country who we think just epitomizes what is best about the Congress and being a public servant. Last year, of course, that was our former minority leader, Bob Michel. It was wonderful again to see Bob here.

We rotate it from the Republicans to the Democrats.

This year is a Democrat recipient, and of course it is the U.S. Ambassador to the United Nations, the Honorable Bill Richardson. Bill was elected seven times from his district, I guess served seven full terms before the President appointed him on December 13, 1996. As Ambassador, he is a member of the President's Cabinet, a member of the National Security Council, and, of course, as a Member of the U.S. Congress, he held one of the highest ranking positions in the House Democratic leadership.

I think we also know that even though he was not the U.S. Ambassador to the United Nations, he was

somebody who probably was doing the job before he got it. He was all over the world, rescuing hostages, helping, really serving as just a tremendous part of U.S. foreign policy.

In 1996, he held a historic meeting with Cuba's Fidel Castro, during which he successfully negotiated the release of three political prisoners and got visas for their families.

I think all of us who know Bill and who served with him and know him knows he has tremendous energy, he is highly intelligent, he is uncompromisingly honest and he truly represents what is best in a public servant. I know all of you share my feelings of respect and admiration for Ambassador Richardson. I would appreciate it if he would come forward now to receive the award.

Time out for glasses. It reads, I think, "Presented to the Honorable Bill Richardson for exemplary service to the Nation, including seven terms as U.S. Representative for the Third District of New Mexico, numerous humanitarian and diplomatic special assignments, and his current service as U.S. Ambassador to the United Nations. Washington, DC, May 21, 1997."

Bill, there is also a scrapbook of letters from your friends, which there is a lot more we have got to add to it, but you are obviously respected and loved, and we are just so proud to be able to give you this award.

Mr. RICHARDSON. Marty Russo said he would start chiding me if I went over 2 minutes.

Thank you very much. This is a great honor for me, especially when I see so many friends. I served 14 years in the House, and I think I have served with about 70 percent of you, and the Speaker made a little joke about congressional travel. But really, in my 14 years, I felt that through this travel is where you get to know people from both sides of the aisle, where true bipartisanship, and they had this Hershey conference on civility. As I recall, whenever we bonded together on some of these trips, and I see Clinger back there and my wife saying to me that she found Democratic and Republican wives people that she could relate to, and she could not understand why there were such differences between the two parties, when as Americans we were very much together.

Let me just say that at the United Nations, it is a challenge. But if I brought some skills to the United Nations, they were skills that I learned right here as a Member of the House, skills of negotiating, of relating to each other, of doing the thousands of town meetings that many of us have done. This is where you learn to negotiate and deal with people and cut deals and relate and extricate things from somebody else. At the same time, the camaraderie, the collegiality we had as Members, is something that I know we will never forget.

So I am very humbled in getting this award. I want you to know that public housing is existing well at the Waldorf Towers in New York. You are all most welcome to come. We have a lot of bedrooms. As former Members of Congress, I can assure you, you will be treated just as well as any member of the President's Cabinet.

So in accepting this award, let me say that it is most gracious of you to give it to me. Regrettably, I have to go back to New York for a Security Council meeting which will deal with sanctions on Libya. It is a skill, as I said, in terms of my committee assignments, the work that we did together, that I have learned with you.

So I look forward to being active in this organization. I noticed early on my name was not called, so that means I probably have to pay some dues. But to all of you, if I do not get a chance to see and hug each one of you, and I know because of the schedule we will not be able to, I want you to know that I remember one incident about each and every one of you that is lodged in my being and my heart, that is a good one. And whether I made funny noises at you or whether we had a chance to do something together, that is something that I will always cherish.

To Lou Frey, thanks for that very nice introduction. To all of you, I mean it, New York, the Waldorf, the U.N., I hope we get a chance to visit again.

Thank you so much.

Mr. FREY. Thank you, Mr. Ambassador, for those kind remarks, and good luck at the Security Council.

As I indicated before, a number of Members have been involved in various activities, and what I would like to do is yield to some of the Members to briefly describe what they have done and what they have taken part in.

As I indicated, the association has provided opportunities for the Members to share their congressional experiences overseas. In the past we have had 16 study groups that have been carried out through the country and throughout the world. I would like to yield, if he is here, to the gentleman from Missouri, Jack Buechner, who will talk about a trip he and Congressman Hertel took to Africa in October of 1966. Is he here? Two demerits. His dues get doubled.

Here he is. I just was warming up. It is all yours.

Mrs. BOGGS. The gentleman from Missouri, Mr. Buechner, is recognized.

Mr. BUECHNER. Thank you for yielding, Mr. President, and fellow former Members. It is good to be here back in the well. It has been a long time. Let me take this off, because it is bad for the camera, if you remember that.

I am trying to make this brief, but I have to tell you, taking a trip with Dennis Hertel and encapsulating it in a few minutes is a pretty tough task, because Dennis loves to talk to people. We went to Zimbabwe. The U.S. Information Agency sent us there ostensibly to talk about the Presidential elections in United States.

But once we got there, they said you know, this is a one-party state, and they always say that the U.S. political system is the same, because there is not a nickel's worth of difference between the Republicans and the Democrats. We probably disagree about that, but our goal was to sharply define the differences between the two parties.

So in the political game, we always try to talk about our colleagues and that we agree on this and disagree on that and agree to disagree. But Dennis and I went at it hammer and tongs, including the national broadcast that we had. We had their top anchorman interview us, or moderate the debate at the U.S. Information Agency's offices, went throughout the country, and Dennis and I tried to as sharply define the differences between the two political Presidential campaigns and the candidates as possible. We really had a great time, probably maybe leaning to the extremes on issues to define the differences.

The most interesting thing was that wherever we went, and we had probably five different occasions with legislators, parliamentarians, with Cabinet officials, with university professors and students, we went and met with them, I just want to close because I know the time is limited, that we had a great time, we pointed out that there was a difference between the parties and between the candidates, and that in the United States there was an opportunity for this difference to be shown to the American public, and that was very good for us and it was good for those people in Zimbabwe that were trying to promote a pluralistic society.

But one of the things that always came up was, people were asking us why we were picking as a country on poor old Fidel Castro. And at one of these occasions, all of a sudden Dennis remarked about what a thug that Castro was, and that there were no multiparties and freedom of political participation in Cuba, and he went on saying that if Castro was such a great guy, how come he did not do this and did not allow travel, and he went through these things.

Afterwards, I said, "You know, Dennis, I did not know you were that really philosophically opposed to Fidel Castro." He said, "I do not give a damn about Fidel Castro, but I am getting tired of being picked on."

So we expressed our individualism and our political partisanship. We had a wonderful time, and I think the U.S. Information Agency said the former Members of Congress did as good a job of letting people in a part of the world that is very interested in the transition to democracy, especially following

upon South Africa and building upon that, and this is something I would encourage you to do.

I want to remind you, we flew coach. It is a 25-hour portal-to-portal trip. It is not for the faint of heart. But I have to tell you, Dennis Hertel managed to speak to everybody that he met for long periods of time, and he spent more time being a former Member of Congress than I did. I slept and read a lot.

Thank you very much. I yield back.

Mr. FREY. I would now like to yield to the gentlewoman from Maryland, Beverly Byron, to talk about the trip to China in September 1996 and the result of the trip. The former Members paid their own international travel costs, and the costs in China were paid by the Foreign Affairs Committee of the National People's Congress.

Mrs. BOGGS. The gentlewoman from Maryland, Mrs. Byron, is recognized.

Mrs. BYRON. Let me say that, Lou, I have to have this side of the aisle, I am sorry. I cannot speak from the other side. It just does not work. It is like church and the movies; you know which side you are comfortable on.

Let me say that we were able to pull together a delegation of 10 former Members, of 4 spouses, 2 daughters, no animals, to meet in Beijing in September of last year, and we began a 10-day study tour of China at the invitation of their Foreign Affairs Committee.

This group of former Members, many of whom had been in China before, were able to gain a great deal of comparison with the previous visits. Prior to the trip, we held briefings with the State Department, the Foreign Affairs Committee staff of the House, and received many, many pages of background material.

While we were in Beijing, we held meetings with the chairman of the Foreign Affairs Committee, our host, Zhu Liang, and since he stated that since launching a reform campaign, economic development is China's first priority. The United States position is still one China. That was discussed on numerous occasions. That has not changed.

We will see the magical date of July 1, 1997, approaching, and the world will be looking at the transfer of Hong Kong and how China handles the current vibrant, economically stable city that is presently there.

A second meeting was held with the chairman of the standing committee, and that was a discussion on the public influence in the United States of the press, and it is important to have a continuing dialog. It was discussed that an exchange program should begin between our two countries.

The Vice Premier, Minister of Foreign Affairs Qian Qichen, stated, and this is rather interesting, that China must be economically stable to have a peaceful world. As this body begins its discussion in the next few weeks on most-favored-nation status for China and the vote is taken next month, I quote the Vice Premier. Human rights have improved greatly since 1940.

That is 56 years.

He also stated, but China's leaders are working on correcting a number of areas.

It will be interesting to see what areas.

Ambassador Sasser and his DCM were extremely helpful with us, and we had in-depth briefings with his country team.

The remainder of the trip was outside Beijing. We went to Xian, where the Provisional People's Congress were our host. They talked about trade and education. There are 47 universities and 10 military academies in Xian alone. Shanghai, which was a municipality, was our host.

Much of the discussion was on foreign trade, with $48 million spent last year, $8 million with the United States, and last September there were 15,000 joint ventures, of which 1,700 were with U.S. companies.

We were able to export a little bit of the U.S. culture when Carlton Sickles gave us a rendition on his miniature harmonica and Nancy Schulze and Judy Brewster belted forth with "Edelweis." I am not sure how the German exchange program song sheet got with us, but it did.

We moved on to Quilin, and there we were able to see the sister city of Orlando, FL, even to the fireworks that they held as we were on board a riverboat. This city is visited by 8 million Chinese visitors a year and a half a million from overseas. Much of the discussions were on environmental, water, electric issues, and they were very pleased to talk about their new airport that was to open in the next week which will give 10 times the capacity of the current airport.

Several members of our delegation did some in-depth research on medical issues and, at every point and turn in the visit, tried acupuncture. I will let them report that on their own.

As a result of our trip, I think it is the intent of this organization, the former Members, to create and encourage sponsorship of an exchange program of the U.S. Congress and the Nation's People's Congress. The board of directors has approved this, and we are going to be looking to fund that.

We have a delegation report that has been filed with various Members of the House and the State Department. Were it not for Lou Frey and Linda Reed, this trip would not have been possible, and I want to thank them and look forward to many more of this group that is before us today taking part in such an exchange.

Thank you.

Mr. FREY. I thank the gentlewoman. She is chairman of the committee to work on this with a number of the people who went on the trip, so we certainly appreciate that.

I would next like to yield to the former president of the association, who really put together a trip through the Ford Foundation to Cuba. One of the things I think we found is that there are times that we, as former Members, can do things relatively unofficially that it is difficult for sitting Members to do, and maybe this Cuban trip was one of them.

So the gentleman from Missouri, Mr. Symington.

Mrs. BOGGS. The gentleman from Missouri, Mr. Symington, is recognized for his remarks.

Mr. SYMINGTON. Madam Speaker, Mr. FMC President Frey, thank you.

The week of December 9 to 15, 1996, I was privileged to join three other former Members and two then sitting Members of Congress on a bipartisan fact-finding trip to Cuba.

The delegation of three Democrats and three Republicans consisted of our association president, Lou Frey of Florida, as its chairman, myself as co-chairman, Mike Barnes of Maryland, Dennis DeConcini of Arizona, Toby Roth of Wisconsin, and JON CHRISTENSEN OF NEBRASKA.

Our very full schedule of visits and appointments, arranged in part privately and in part via the Cuban Government, brought us together with ordinary people, students, academicians, church leaders, political dissidents, industrialists, Government officials, members of the diplomatic corps, and the U.S. intercession. For these contacts and opportunities, we were indebted to our very able association consultant, Walter Raymond, and to the good offices of a former Cuban hand, retired Ambassador Timothy Towell, who advanced and accompanied us on this trip.

We were well briefed prior to the visit by the State Department and National Security Council; Mr. Eizenstat, the President's Special Envoy on Cuban Affairs; leaders of the Cuban-American communities; and Members of Congress and key legislative aides. Upon return, we were debriefed by these same individuals and offices and particularly the chairman of the House foreign affairs committee, international affairs committee, BEN GILMAN, and the ranking member, LEE HAMILTON, and their staffs. Our recommendations were placed in the RECORD by Mr. HAMILTON.

Briefly, they reflected the consensus of this group that, first, the lives and prospects of the Cuban people are still, as my fellow Missourian, Mr. Buechner, intimated, under rigid government control; and, second, that a policy of selective engagement would prove more effective in diminishing those rigidities than one of unremitting isolation and sanctions.

We specifically recommended the permitting of food and other humanitarian assistance, properly handled, without the present obstacles to travel and shipment. The Cuban people themselves, including those in endangered opposition, when given the opportunity, expressed the hope that Americans would soon return in great numbers on business or vacation or both. The larger questions thus raised remain before our Government and Congress for review and consideration.

Thank you very much.

Mr. FREY. Thank you, Mr. Symington.

C–SPAN was nice enough to cover it. We had a press conference. We came back and were surprised. We thought four or five people would show up. We had about 70. National press was there. There is obvious continued press interest in this, which shows you how effective we can be.

Next I would like to yield to the gentleman from Wisconsin, Toby Roth, who will talk about our Congressional Study Group on Germany which is funded primarily by the German Marshall Fund, and the Congressional Study Group in Japan funded by the Japanese-United States Friendship Commission.

Mrs. BOGGS. The gentleman from Wisconsin is recognized.

Mr. ROTH. Thank you, Madam Speaker and Mr. President. It is great to be here this morning with you.

You and I share a distinguished place in American history in that we were fortunate, all of us, to serve in the U.S. Congress. And I think I know everyone in the room here this morning. I want to say it has been a real honor to serve with you, and I think of you often.

Madam Speaker and Mr. President, I am delighted to thank you, the former Members of Congress, for the possibility of the two superbly managed study groups we have, one in Germany and one in Japan. I have had firsthand knowledge on the value of the Congressional Study Group on Germany. Last year I was with our congressional delegation when we visited Bonn. We met with Members of the Bundestag, the people in the Government, Foreign Minister Klaus Kinkel, statesmen like Graf Otto von Lambsdorff, and many other prominent Germans in the Government. I do not have to tell you, the former Members of Congress, how valuable these exchanges are.

This year we had another delegation visit to Germany, and, of course, we look forward to working with the German delegations when they visit us here in the United States.

The study group has sponsored 14 annual seminars and other meetings and has involved more than 100 congressional participants with our counterparts in the German Bundestag in various discussions. Ongoing activities with the study group include, for example, the one on Germany is sponsoring annual seminars involving Members of the U.S. Congress and their counterparts in the German Bundestag, conducting a hospitality program at the U.S. Capitol right here for distinguished guests from Germany, arranging for members of the Bundestag to visit congressional delegates' districts with the Members of Congress.

I do not have to reiterate to you again how vital and important these activities are for the parliamentarians of both countries.

The study group on Japan has some 70 Members of the Congress. The objectives of the study group are to develop a congressional forum for the sustained analysis of policy options on major issues in United States.-Japan relations and to increase opportunities for Members of Congress to meet with their counterparts in the Japanese Diet for frank discussions of those key issues.

The end of the cold war has profoundly changed the way governments have been reacting and making decisions and reacting to events, but you, the former Members of Congress, know better than anyone else that no report, no Internet, no briefing can substitute for face-to-face meetings.

I thank you, the former Members of Congress, for your commitment and dedication to these two outstanding programs.

Mr. FREY. Thank you.

I think it is important to note that under the rules of financing and many of the rules of the House, the former Members fill a vacuum for a service that cannot be done in the House. So we really are instrumental to keep these programs alive, and we are looking at other programs with other countries to do this.

Now I would like to yield to the gentleman from Michigan, I do not know if it is the better or worse half of that dynamic duo, Dennis Hertel, to talk about our program in the Ukraine.

Mrs. BOGGS. The gentleman from Michigan, Mr. Hertel, is recognized.

Mr. HERTEL. Thank you, Madam Chairperson.

First I would like to offer my congratulations to our chairperson as the Ambassador to the Vatican and the first woman from the United States to be appointed to that post to represent our Nation.

Mr. FREY. You stole my closing line, but that is all right.

Mr. HERTEL. I really do want to thank the staff of this association for all they have done. Linda REED has done yeoman's work. There are so many things they can accomplish with so very few people and limited dollars. And Walt Raymond, who, as staff always do, has assisted me in preparing this report on our Ukrainian program. It is our broadest program.

The association has been supporting a parliamentary democracy program for the past 3 years in the Ukraine. The Ukraine was selected for its vital importance to the region. A free and independent Ukraine favorably changes the political situation in the region and enhances European security.

Our program of support of the Ukrainian Parliament was initiated in March 1994. Cliff Downen, a former senior staffer, has been our field representative. In his first year, he focused primarily as an adviser on basic parliamentary practices, including rules of procedure, committee processes, how to draft a bill, transparency, and related subjects.

Several former Members and Bill Brown, our former Parliamentarian, also visited Kiev to help the Ukrainians in the first phase. Now we have moved on to provide key staff to their parliament and key research papers to their various committees, including the chairmen that are working on reforms there.

These activities were the heart of our program in the second year. We brought in 35 Ukrainian interns who were competitively selected to represent a broad geographic cross-section of the country. Finally, now in the last year, we are supporting 45 young Ukrainians in the Parliament, over half of which are women.

We have established with the leadership a better working relationship so that now, for 1997–98, we can increase the number of interns to establish a provincial program in at least three of their state governments in the Ukraine to expand significantly on support for research and analysis, and the latter is designed to follow up after the end of the congressional research program in the Ukraine, which has provided computers and related equipment and established the basis for a reference service.

When we see the controversy and the great issues and problems facing the Ukraine and all the Soviet Union, former Soviet Union, we see how important this program has been and how well it has been supported by the members of the association.

Thank you, Mr. Chairman.

Mr. FREY. Thank you for that report.

We have done this in some of the other former Iron Curtain countries, Slovakia, some of the others. We sent people over there to work with their parliaments on it. I have been to Slovakia three times, twice in the winter. It is not something you would volunteer for. They are starting at ground zero. It is really interesting. There is no institutional history whatsoever.

Now I would like to yield to the gentleman from Kentucky, Mr. Mazzoli, who will talk about a trip that he and our former Member and Secretary of the Interior, Manuel Lujan, took to Mexico, to help us maybe set up an exchange program there.

Mrs. BOGGS. The gentleman is recognized.

Mr. MAZZOLI. Madam Speaker, Mr. President, ladies and gentlemen, my former colleagues, how great it is to see everyone and be with you today.

The association serves many purposes, and under the excellent leadership of Lou Frey, our friend from Orlando, and the able staff work of Linda Reed, Walt Raymond, and the group, we really maximize the bounce for the buck.

As a result of the work that has been done, the association affords us, as former Members, a chance to come together in this beautiful Chamber, which holds so many memories for all of us, as the scenes of our legislative efforts for our hometowns and States.

It also affords us an opportunity, through the Campus Visit Program, to visit campuses around the country. It was my pleasure to visit the alma mater of Dick Lugar, our colleague from across the Capitol, Denison University in Granville, OH, last springtime. It was a wonderful visit. I spent time with the students and the faculty.

Our association also offers opportunities to travel abroad. As our President said, Congressman Lujan and I did travel to Mexico. We spent a week there in June of last year between Mexico City and Guadalajara. There are many memories. We had meetings, as all of us have, with parliamentarians, with the academic community, with the business community, the government leaders, our counterparts in the assembly. We came away with many feelings. We filed that, Mr. President, in a full report which you have, I think, received permission to file in the RECORD.

But essentially, we found the attitude much improved, and I think that serves to underscore the outstanding work that our colleague, Jim Jones, has done in Mexico as Ambassador. His counterpart in this country, Jesus Silva Herzog, we will hear from at lunch today, the Ambassador from Mexico, who has visited with us both here on the Hill and in the Embassy to talk about ways that these visits can be institutionalized, because, Mr. President, as you have said many times, former Members have opportunities to speak to issues and to address concerns that we cannot, as sitting Members, do.

So I think we offer not only this repository of information and knowledge and experience and, we hope, some wisdom, but also the opportunity to speak without the necessary problems of constituency concerns and speak to issues that really advance the understanding between nations.

So even as we, I think, have, by reason of President Clinton and President Zedillo Ponce de Leon's relationship, advanced the Nation's agenda, then I think we, as former Members, can do the same thing.

Mr. President, the only thing I would say is, I hope there is some mechanism we can use to institutionalize these trips. Only because of your fertile imagination and your inventive accounting have these trips been made possible. So there has to be some method to institutionalize them. I hope we can. I think they are very valuable, and I am honored to have played a part in this.

My first trip to Mexico was in 1981. My next and only other visit was last June. In the intervening 15 years, Mexico's political, social, economical, and educational climate has changed profoundly. And, in no way is this change more dramatic than in the way Mexico views the migration of its people.

In Mexico 1981, Mexican officials rejected the premise that Mexico and the United States had a mutual interest in controlling illegal entry of Mexican nationals into the United States. These officials declared that Mexican citizens had the right and the authority under Mexican law to leave the Nation without control or question and without exit documents.

Fifteen years later I found a starkly different attitude exhibited by the Mexican academics, Government leaders, and business leaders with whom I spoke during my week in Mexico with former Congressman and former Secretary of the Interior, Manuel Lujan, of New Mexico. Our trip, jointly sponsored by the U.S. Department of State, and the Association of Former Members of Congress, included nearly 4 days in Mexico City and a day and a half in Guadalajara.

This time around, Mexican officials, to a person, agreed that the United States has sovereignty over its border and has the right as well as the responsibility to institute programs to control the border between the United States and Mexico. The 1981 references to the right of Mexicans to travel freely were absent. Instead, we heard frequent and favorable references to the importance of continued contacts between the two nations.

This is not to say that Mexicans were silent on the topic of immigration or muted in their criticism of the way their Mexican brothers and sisters are sometimes treated by United States immigration authorities. But, in sharp contrast to 1981 when the polemics and broadsides flew freely, on this visit our Mexican hosts and hostesses—I found many more women now than in 1981 in positions of influence—endorsed collaborative United States-Mexican initiatives on immigration and drug intervention.

One jarring note to Secretary Lujan and me was the belief held by many Mexicans, even some who have spent time in the United States, that there exists in the United States a selective dislike and antipathy toward Mexican people. Several made the point that the two immigration bills then pending before the 104th Congress singled out Mexican nationals for the brunt of the enforcement and control effort.

Secretary Lujan, himself of Hispanic descent, and I did our best to assure everyone that Americans bore no ill nor animus toward Mexicans in a generic or a class sense. I did, however, point out that the frustration of the American people grows because of increased violence at the border committed by aliens seeking to enter the United States illegally and by organized Mexican drug smugglers. Frustrations are also fanned by stories in the media detailing the abuse of America's welfare and health care systems by undocumented Mexican aliens.

To be fair, it must here be noted that not everyone who enters at the southern border is from Mexico—many of them are from elsewhere in the Americas and the world—and not everyone who is in America illegally has crossed the border to get here—many have overstayed their visas.

In our discussions in Mexico, I resorted to a familiar and, I feel, powerful argument: Mexicans in positions of influence over their nations' public policy should support United States efforts to control illegal immigration from Mexico in order to preserve legal immigration programs—which benefit Mexico more than any other nation in the hemisphere—which are not being challenged on Capitol Hill in response to the citizen frustrations I have referred to earlier.

Furthermore, the growing export and import trade between United States and Mexico—under NAFTA—and the expanded financial relationships between the nations—illustrated by the recent support program for the peso engineered by the United States Treasury Department—suggest that Mexico gains much by supporting United States sovereignty over its international borders.

All in all, I came away from this recent trip to Mexico both heartened and disappointed.

I am disappointed that many deeply rooted and highly emotional issues between our nations remain which make it difficult for Mexico and the United States to come together in common cause. thankfully, the efforts of President Bill Clinton and President Ernesto Zedillo Ponce de Leon—who have developed a cordial and effective working relationship—and members of both nations' Cabinets working through organizations such as the United States-Mexico bi-National Commission, the Summit of the Americas, the organization of American States, and the Border Governors group have led to binational and multinational institutional frameworks for the development of solutions to mutual problems.

On the positive side of the ledger, Secretary Lunjan and I also found an extraordinary interest in what Mexicans team "federalism": How governmental systems optimally should function. Mexico has long had an extremely strong executive branch of Government under which the Presidents are guaranteed not only personal wealth when their terms end but a virtual hegemony over the entire nation during their term of office. In that setting, the legislative branch of government in Mexico has been impotent and passive. today members of the Mexican Senate and the House of Delegates are devoted to gaining a rightful role as a coequal branch of government. For us in the United States, this is plain vanilla federalism. In Mexico, it is revolutionary.

Sitting Members of Congress, as well as former Members such as Secretary Lujan and I, along with constitutional experts and political scientists have an unprecedented opportunity to assist our counterparts in Mexico in fashioning a new government for the next century.

It is a matchless opportunity to do something good as well as do something smart.

On another subject, Secretary Lujan and I were never far from complaints about the so-called Helms-Burton Act which penalizes domestic and foreign companies which do business in Cuba involving property confiscated from United States firms or citizens at the time of Castro's takeover. Because of the extraterritoriality of Helms-Burton and because of its retroactivity feature, it has excited great opposition as well as calls for retaliation from Canada and Mexico and from nations of the European Union and of the Organization of American States. As we now know, but did not last June, President Clinton has somewhat quieted the issue by exercising the various options, waivers, and discretionary authorities which he is accorded under the law.

Soon after my return from Mexico, I traveled to El Paso, TX, to take part in a naturalization ceremony at which 4,078 persons from 53 nations became United States citizens on the campus of the University of Texas at El Paso. Taking part in this ceremony was particularly impressive for me both personally—my own father was an immigrant from Italy—and professionally—while in Congress, I was the co-author of the Simpson-Mazzoli bill, the Immigration Reform and Control Act of 1986, under whose provisions many in that audience in El Paso were being naturalized.

It is in these naturalization ceremonies that all the separate threads of the immigration story are woven into a complete garment. Naturalization programs give us a better purchase on the complex and complicated thing called immigration and they demonstrate that while every nation in history has had problems with migration and immigration—the United States is no exception to this historical verity—our Nation has an opportunity and a solemn responsibility to address this vexing and challenging subject with balance, sensitivity, forbearance and charity.

Where do we start?

By continuing to work with Mexico to control illegal immigration. In 1981, Father Theodore M. Hesburgh, former president of the University of Notre Dame, and chair of President Carter's Immigration Reform Commission said: "If we don't close the back door—control illegal entry into the United States—we won't be able to keep open the front door." through which people enter the United States legally. The only way to avoid this undesirable result is to heed Father Ted's prescient advice.

By urging our legislators and the President to adopt a broad perspective on immigration and to oppose nativist, racist or mean-spirited proposals despite their political and popular allure.

By attending a naturalization ceremony. Normal ceremonies at the Federal courthouses may not be as large as the one in El Paso, but they are no less impressive.

By attending a religious liturgy celebrating immigration such as those sponsored annually by the U.S. Catholic Conference during National Migration Week.

By attending ethnic festivals in which the food and customs and heritage and music of immigrant people are showcased and good times are had by all.

By attending programs such as those sponsored by churches and temples and mosques where newcomers are welcomed, counseled, and given help with language training, job and craft skills, and acculturation.

By attending graduation programs at local high schools, colleges and universities, and noting the ethnic diversity of the academically distinguished graduates. Many of them are immigrants or the sons and daughters of recent immigrants.

Immigration is fascinating and frustrating precisely because it is the story of the sweep of human history. It is the story of the nobility and of the fallibility of humankind. Rarely has a people had a greater opportunity to impress its hallmark on history and humankind than we in the United States possess here and now. By welcoming the strangers in our midst, we will enrich and revitalize our Nation and the world in the process.

Mr. FREY. Thank you, I think.

The crown jewel of what we do really is working with young people. I think that probably gives each of us the most satisfaction of anything we do, the chance to go to college communities to talk with young people, to spend 2, 2½ days with it. We have started now a Congressional Campus Fellowship Program. It actually began in 1976 and sort of teetered along for a while. We went to a number of places. But we have really institutionalized it.

Part of the reason is, we have been able to work with the Stennis Center for Public Service in Mississippi State University. They have acted as secretariat of it for us and sent groups out. This year I think we went to 10 schools, and our goal next year is 20 or 25 schools around the country.

I would like to yield to the gentleman from New York, who went on one of those trips and was highly successful, to tell us a little bit about his time on campus. Mr. Wortley.

Mrs. BOGGS. The gentleman from New York, Mr. Wortley, is recognized.

Mr. WORTLEY. Madam Speaker, Mr. President, I do feel more comfortable at this lectern than perhaps the other one.

Mr. FREY. I am a little nervous over here.

Mr. WORTLEY. I might digress for a moment to say that the United States representation at the Holy See will never have been in better hands than with the Ambassador-elect.

I am pleased to report this morning that the United States Association of Former Members of Congress Campus Fellowship Program is active, healthy, and delivering a bipartisan message to the campuses of America's universities. During this past academic year, the association cosponsored the program with the Stennis Center for Public Service in Mississippi. Bipartisan teams of former Members of Congress, one Democrat, one Republican, have made 2- to 3-day visits to nine university communities from California to Florida, Georgia, Mississippi, Ohio, Oklahoma, and New Mexico.

The former Members donated their time. The Stennis Center paid the transportation expenses, and the hosting institutions provided our room and board.

I was joined at Cameron University in Lawton, OK, by Dennis Hertel, who seems to be the most popular man on the floor this morning, Dennis. You are all over the world. We lectured six, political science classes, participated in one 30-minute television panel, gave a ¼ hour newspaper interview over lunch, as well as a second luncheon where the U.S.-U.N. relationship was the topic of discussion. We were also the subject of a couple minutes of TV coverage on local news shows and were guests at a department reception.

In our off hours, we enjoyed a dinner hosted by the college president and another at the home of our host.

Dennis and I found an interesting blend of students that included several retired and retiring military personnel from nearby Fort Sill, as well as the usual undergraduate age group. The students were alert, inquisitive, and kept both even Dennis and I on our toes at all times.

Did we make a difference? Yes, we did make a difference. I believe we gave the students new insight into the process and hopefully dispelled some of the misconceptions that exist today about this great institution. We were living examples that reasonable men can disagree but never need to be disagreeable.

I would note that at Cameron University we were the guests of the Department of Political Science and Criminal Justice. I am not sure if there was any significance in the pairings of those two subjects.

Oh, yes, we did come away with at least two students who expressed interest in running for Congress, one of whom had lost a recent race for the mayor of Lawton, OK. Perhaps if Dennis and I had gotten there a little earlier, we might have made a bigger difference.

But I am hopeful that our campus fellowship presentations have made a difference and the day will come, Madam Speaker, when you will see the results of our efforts in this Chamber.

Thank you.

Mr. FREY. I might add as the result of this and going to the campuses, we have been asked to write a book about the Congress from a personal standpoint, and I sent out a message, some of you have sent it in. Some, like the gentleman from California, Pete McCloskey and Larry Coughlin and a few others who I have not named, haven't gotten their chapters in, so this is a gentle reminder for it.

But we are working with the head of the Political Science Department at Colgate University to publish the book, and we think it will be unique. There have been books on Congress, but there has never been a book on various aspects of Congress written by the people

who really were here and lived it. So if everybody gets their chapter in, we may have that done by the first part of the year.

Just very quickly, getting to the end of this, as you can see, we are really doing a lot. We are really out there, involved in different things. There are opportunities, hopefully, for you and for some who are not here to get involved. There are also opportunities for corporations and foundations who are listening, who want to help the kids in this country, to contribute and work with us to do this. It would be great if we could get the 50 universities. It would be wonderful. We have had 106 Members volunteer and probably another 30 just over this time. So we have the people. It is just the funding mechanism to do it. So anybody listening, if you are interested, you know where to get us. We should have a 1-800 number up there. It is a worthwhile thing to do.

We maintain close relations with the associations of former Members of Parliament around the world, and in that I would like to recognize one of our guests who has been with us before. Barry Turner, president of the Canadian Association of Former Parliamentarians, is with us today.

Barry, would you please stand up and be recognized.

Barry has written a chapter for the book on comparing our system with the Canadian system.

We really appreciate your help on that.

Obviously, the officers of the association, Matt McHugh, John Erlenborn, John Lancaster, the board of directors, really have done an incredible job. This is a working group, not people who have let their names be used on the organization. We have an auxiliary headed by Annie Rhodes, who has run the Life After Congress seminar, which is a wonderful thing. This is the second time we have done it for people who are retiring. It sort of walks them through what they have and the problems and, frankly, discusses what they are facing when you get out, going from where everybody listens to you and calls to when all of a sudden the phone stops ringing and how do you handle that. The auxiliary is to be really congratulated.

Linda Reed, our executive director, wears many, many hats and does an incredible job. We are lucky to have her and really just so proud of the job you do, Linda.

Walt Raymond, who came on board with us to work part time and now works full time back there and who is really responsible for the tremendous growth of our overseas programs.

Now it is my sad duty to inform the House of those persons who served in the Congress who have passed away since our report last year. The deceased Members of Congress are as follows:

James F. Battin (Montana); Ray Blanton (Tennessee); Paul W. Cronin (Massachusetts); Hamilton Fish (New York); Edward J. Gurney (Florida); Seymour Halpern (New York); Oren Harris (Arkansas); Charles Hayes (Illinois); Chet E. Holifield (California); Harold E. Hughes (Iowa); Leo Isacson (New York); Harry Jeffrey (Ohio); Edward H. Jenison (Illinois); Coya Knutson (Minnesota); Paul J. Krebs (New Jersey); Robert M. Love (Ohio); Hugh Buenton Mitchell (Washington); William L. Scott (Virginia); Jessie Sumner (Illinois); and Paul Tsongas (Massachusetts).

Madam Speaker, I respectfully ask all of you to rise for a moment of silence in their memory. May they rest in peace. Amen.

Mrs. BOGGS. It is so ordered.

Mr. FREY. May they rest in peace. Amen.

Thank you.

Madam Speaker, I would like obviously to offer on behalf of myself and everybody here, our congratulations. They just don't do it better, and we are obviously not only proud of the job you have done in Congress but for us, and now a new responsibility, and we are really lucky.

Mrs. BOGGS. I thank the gentleman.

Mr. FREY. Madam Speaker, this concludes our 27th annual report to the Congress by the United States Association of Former Members of Congress.

I think I said earlier, and I truly believe it, that being a Member of this body was a privilege. It was the best thing that ever happened to me. There were times that I would look out the window and say, you know, am I really here? I never lost awe of this institution. I never lost feeling that being here was just an incredible opportunity and a privilege, and think to the same extent I feel that being a former Member is also a privilege, because we have got a chance to help the people in this country understand what we have been given, the incredible job that the people who wrote this Constitution did. A little over 7,000 words, and it still works somehow today.

It is so easy to kick things around and be cynical; it is so easy to knock; but this body is what keeps it together. This is the keel on the sailboat that keeps us from tilting too far to the right or too far to the left, and we usually float back and forth through the center. There really is no other group in this country that has the ability to speak, that has the credibility to speak, and that are united, not with a "D" or "R" after our names or whatever, that is really insignificant, but are united for our love for this institution. We are part of and have been part of the greatest legislative body in the history of the world. I say that without any false sense of pride, but I say it because I think this institution has earned the respect of those people in this country and those people around the world, and it is going to keep the respect. I look forward to working with each and every one of you for those things that we believe in.

Thank you so much, Madam Speaker.

Mrs. BOGGS. The Chair again wishes to thank the following Members of Congress for your presence here today and to announce that those of you who may have come in after the roll was called, that you may come and make your presence known to the Clerk here at the Speaker's desk.

I would be very happy to have all of you registered and to thank all of you for your participation, not only in this session, but for your participation day after day, year after year, in carrying forward, as our President has just said, this great and wonderful Government under the enduring Constitution of the United States.

I wish to thank all of you for coming, and I now declare that the session is over and that the House will reconvene at 10:30 this morning.

Accordingly (at 10 o'clock and 15 minutes p.m.), the House continued in recess.

□ 1032

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. COBLE] at 10 o'clock and 32 minutes a.m.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. McDevitt, one of its clerks, announced that the Senate had passed without amendment a concurrent resolution of the House of the following title:

H. Con. Res. 49. Concurrent resolution authorizing the use of the Capitol Grounds for the Greater Washington Soap Box Derby.

The message also announced that the Senate had passed a bill and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices.

S. Con. Res. 6. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country.

S. Con. Res. 21. 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.

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the CONGRESSIONAL RECORD and that all

Members and former Members who spoke during the recess have the privilege of revising and extending their remarks.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize 15 1-minutes on each side.

NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN

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

Mr. FOLEY. Mr. Speaker, it is a privilege to rise today. We had a reception this morning for the National Center for Missing and Exploited Children, where we honored many of the police heroes that have helped bring back home some of our children that have been lost throughout our Nation.

It is sad enough to read the headlines. There was the slaying of Michelle Montoya, 18, a popular Rio Linda High School student whose body was found in the school wood shop on Friday, and a high school janitor accused in the death of the student had a history of violence, but school officials waited until after he was on the job before seeking background information from the State.

A child's life has been lost because we failed to do our job, and we find out had they done it properly, that this person who was accused of the crime had a violent past, had been in jail for 12 years for manslaughter. How many more children have to die before we do what is appropriate in protecting our defenseless children?

I want to commend the National Center for Missing and Exploited Children for all they have done to help reunite children with their families. But we have to do more. Our most precious resource in this country is our children. They are vulnerable, they need our assistance, they need the help of Government.

ACTION NEEDED ON PENSION PROTECTION

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

Mr. GEJDENSON. Mr. Speaker, soon we will be taking up H.R. 1377, the Savings are Vital to Everyone's Retirement Act of 1997, the Savers Act. It is very nice. It says the President should have a study. But we know what we need to do on retirement protection. There is legislation that I have authored, and others.

Fifty-one million Americans do not have pensions today. Women, one-third of them are covered by pensions at age 55, and that is wrong. Women retirees are in systems that provide lower benefits. Women are less than half as likely as men to work in jobs that are covered by pensions. Twelve million women work for small firms who simply do not have pensions at all.

Mr. Speaker, the Republicans when they were in the minority used to attack us for having studies. That is what they have turned out to do now. We are going to study pensions, when we know what we need to do. We need to make sure that unscrupulous companies do not rip off people's pensions, so people can invest in a modern society where they move from job to job, that they can keep those benefits, that it is easier for private companies to set up pensions, and that women are treated equally to men. Studies are fine. Let us get some action on the floor.

COMMENDING THE BALANCED BUDGET AGREEMENT

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

Mr. TIAHRT. Mr. Speaker, here in America we are taxed on the very first cup of coffee we drink in the morning. We are taxed on every gallon of fuel we expend just to get to work. We are taxed when we make a phone call. We are taxed when we buy something on the way home. When we get to our home, we pay property taxes on the house we live in. Then, God forbid, if we should die, we are paying taxes once again. We pay in life and we pay in death.

Early this morning we did something about that by passing the balanced budget agreement. For the first time in 16 years we have hope of a little Federal tax relief for families that work. For the first time in nearly 30 years we will get to a balanced budget by the year 2000. Sweet dreams, America. Hope is alive.

STOP PLAYING POLITICS WITH DISASTER RELIEF AND WIC FUNDS

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

Ms. DELAURO. Mr. Speaker, it has now been 60 days since the President sent disaster relief legislation to the Congress. My colleagues on the other side of the aisle would rather play politics with the bill than move to provide needed relief for flood victims. Republicans have added a poison pill to the legislation, which in fact would ultimately reduce the levels of funding for education, for the women, infants, and children program, and for other programs that directly benefit working middle class families today. This could undermine the entire bipartisan budget agreement that we did work into the wee hours of the morning to pass.

Meanwhile, the flood victims continue to wait for their disaster relief money. In addition, 360,000 women, infants, and children who receive nutrition assistance from the WIC program are at risk for losing milk, formula, and cereal. I urge my Republican colleagues, stop playing politics with the bill. Let us pass the legislation. Let the President sign it, and move quickly to get these funds to the folks who so desperately need them.

WITH A WINNING BALANCED BUDGET AGREEMENT, THE ONLY LOSERS ARE BIG GOVERNMENT AND THE STATUS QUO

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

Mr. GIBBONS. Mr. Speaker, America awoke this morning to the first balanced budget agreement in nearly two generations. Today I rise to commend my colleagues on both sides of the aisle, both Democrats and Republicans, for the passage of the balanced budget agreement.

This budget truly is good news for the American people. This bipartisan approach demonstrates to the American people that we in Congress are willing to put aside petty partisan politics to pass this historic balanced budget.

Although this agreement may not be perfect, passage of this budget will mean smaller government, lower spending, lower taxes, a solvent Medicare system, and a balanced budget, all in one plan. The people in my district in Nevada will be able to keep more of their hard-earned money to save, invest, and send their kids to college, or spend any way they see fit. Seniors, families, and future generations will all benefit from this budget agreement. The only loser is big Government and the status quo.

COURT MARTIAL FOR LT. KELLY FLYNN

(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, the Pentagon said Lt. Kelly Flynn, the first woman to fly a B-52, committed adultery and lied. Lt. Kelly Flynn admits she made a mistake. For this, the Pentagon has chosen to court-martial Lieutenant Flynn.

What a country, Congress. Jimmy Swigert can return to prime time, but Kelly Flynn gets hard time. Unbelievable. For years G.I. Joe was given a condom and a slap on the wrist, but now G.I. Jane gets a court-martial, a slap in the face, and to boot, labeled as Jezebel for life. I ask, if this was Lt. Erol Flynn instead of Lt. Kelly Flynn, would there be a court-martial, Congress? Beam me up.

The truth is these Pentagon fat cats have been sitting on their bureaucratic self-righteous brasses far too long. What is next, gentlemen? Chastity belts? I yield back the balance of all this adultery and crime.

IN HONOR OF THE RESIDENTS OF FARIBAULT, MN

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

Mr. GUTKNECHT. Mr. Speaker, next week we celebrate Memorial Day. I rise to commend the residents of Faribault, MN, for their traditional observance of this most sacred holiday.

The first observance of Memorial Day by the residents of Faribault, MN, was on May 30, 1869. Under the leadership of the local Grand Army of the Republic post, Capt. J.C. Turner, the post commander, took command and led the soldiers and citizens of Faribault, MN, on the first Memorial Day march. With colors and banners unfurled they marched to three local cemeteries where flags and flowers were placed on the graves of fallen comrades. A ceremony was held with a scripture reading and prayer led by Reverend Dubois.

This year the citizens of Faribault and the Rice County Veterans Association will once again participate in community activities, and proudly display the stars and stripes in honor of Faribault's fallen heroes and departed loved ones.

The people of Faribault serve as shining examples for their longstanding patriotism and commitment to civic duty.

LET US MOVE AMERICA TOWARD A BALANCED BUDGET IN A FAIR WAY

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

Mr. SANDERS. Mr. Speaker, the good news is that Congress has made real progress in reducing the deficit in the last 4 years from $290 billion down to $65 billion. That is good. The bad news is that the budget agreement voted upon last night gives huge tax breaks to the wealthiest people in this country, the people who do not need it, and at the same time lowers the quality of health care for our senior citizens by cutting Medicare over a 5-year period by $115 billion. That is wrong.

Mr. Speaker, we must move this country toward a balanced budget, but in a way which is fair, in a way which helps the middle class and the working families of this country, and not just the wealthy.

While targeted tax breaks for the middle class are appropriate, it makes no sense that over half of the proposed tax cuts go to the highest earning 5 percent. Not only is that wrong, but it is bad economics. With huge tax breaks for people who do not need them, we run the danger of going through the 1980's all over again and seeing the deficit explode.

Let us move this country toward a balanced budget, but let us do it in a way that is fair.

PASS THE BALANCED BUDGET AGREEMENT BEFORE THE PATIENCE OF THE AMERICAN PEOPLE IS MAXED OUT

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, it is interesting to hear the liberals on the other side talk about how disappointed they are that we are not spending more money. At last tally the national debt stood at $5.1 trillion. The national credit card is hereby declared maxed out.

The politicians in Washington have been going crazy with the national credit card for too long. Although we might think that running up the national credit card is clearly a case of insufficient adult supervision, think again. No, the $5 trillion debt on the national credit card is a result of 40 years of expanding big government. It is a result of special interests taking over the budget at the expense of the middle class taxpayers. It is a result of an entitlement mentality that requires government to live beyond its means.

Mr. Speaker, there has been a change in the management in Washington. The change in adult supervision means the national credit card is about to see a declining balance for the first time since 1969. Deficit spending has gone on long enough. So I urge my colleagues to be persistent in moving forward on the balanced budget agreement before the patience of the American people is maxed out, too.

□ 1045

CUBAN INDEPENDENCE

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

Ms. ROS-LEHTINEN. Mr. Speaker, 95 years ago yesterday, May 20, the island of Cuba gained its independence after a long fought struggle against the Spanish crown.

Sadly, while millions of free Cubans outside the island celebrated this proud day, for the 11 million Cubans still living under the brutal totalitarian dictatorship of the Castro regime, it was just another day in the persistent struggle to reclaim the freedoms gained after independence from Spain but lost with the rise of Fidel Castro to power.

Yet Cuba's new freedom fighters face similar repressive measures as those who led the struggle for Cuban independence in the 1800's.

As the Interamerican Human Rights Commission recently reported, in today's Cuba the harassment, accusations, adoption of disciplinary measures, and prison sentences for persons who peacefully display their disagreement with the political regime in place have persisted.

The report adds that those who work against the regime are accused of enemy propaganda, contempt, and rebellion. It is for them that Cuba's independence leader, Jose Marti, wrote, "The sufferings endured for the sake of winning freedom make us love it the more."

PASSAGE OF BALANCED BUDGET RESOLUTION

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

Mr. KINGSTON. Mr. Speaker, with the passage of the balanced budget agreement last night, many people have asked, is it consistent to cut taxes and try to reduce the deficit? To this I say yes. Here is why.

For every dollar we send to Washington as taxpayers, Washington spends over a $1.50. You can spend your money a lot more efficiently than my friends in Congress. I can spend your money.

If you have more money in your pocketbook, you are going to buy more records, more clothes, more socks, more shoes, more whatever. When you do that, small businesses expands. And when they expand, they create more jobs. When more jobs are available, more people go to work. When more people go to work, less are on public assistance and more pay in taxes. Revenues actually increase. This was proven both by President Reagan and President Kennedy.

The other side to that, though, is as these revenues increase because of a tax cut, we have to hold the line on spending. Last night's budget agreement gives us the opportunity to both reduce taxes, let people spend their own money and hold the line on spending here in Washington.

WHALE WATCHING INDUSTRY IN JEOPARDY

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

Mr. METCALF. Mr. Speaker, a multimillion dollar industry is in Washington State, California, Oregon, and British Columbia. It is the whale watching industry.

Whales are used to boats out there and they do not mind getting close to the boats. In fact, sometimes they will even rub against the boat. This industry is about to be put in jeopardy. The International Whaling Commission meets this year, within the next month or so, and they are prepared to authorize one tribe in Washington and several in Canada to renew commercial whaling.

When they start that, these are very intelligent animals. As soon as we begin killing whales, the blood in the water, those animals will become very skittish. We will not get a boat within a mile of them. This multimillion dollar industry is about to be put in jeopardy for no good reason in the world.

Once we allow the tribes to do it, then the Norwegians and Japanese, who also have a historic record of capturing whales, will be able to do whaling nationwide. But I am concerned about the whale watching industry in Washington State and the Pacific coast.

CAPITAL GAINS TAX CUTS

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

Mr. WELDON of Florida. Mr. Speaker, I have heard the other side characterize capital gains tax cuts so many times as tax cuts for the wealthy that I am truly baffled. I am baffled because I do not know if the other side persists in saying this because they simply do not know what they are talking about or because they know that bashing the rich is good politics.

So, Mr. Speaker, I have a few questions for the other side. Does the other side believe that the role of capital in our economic system is unimportant? Put another way, can the other side conceive of a single thing, anything at all, that is more important to our economic growth than savings and investment? Do the Democrats believe that taxing savings and investment less will result in more of it?

Does more savings and investment help create jobs or prevent them from being created? Does the other side pretend to believe that the poor will prosper if fewer jobs are created?

Of course not. The other side is so obsessed, Mr. Speaker, with the possibility that rich people like Bill Gates and Tiger Woods might get richer that they would deny the poor an economy that produces more jobs for everyone. No wonder the voters are cynical.

BALANCED BUDGET AGREEMENT VICTORY FOR AMERICA

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

Mr. THUNE. Mr. Speaker, why do I consider this balanced budget agreement to be a major victory for America? Because it balances the Federal budget by the year 2002, because the Federal budget deficit will decline each year beginning in 1998, because it saves Medicare from bankruptcy until the year 2007, because it allows families to keep more of their own money, because it contains permanent tax relief for American families, and because it sets a new standard in Washington: Deficit spending is no longer acceptable.

This bipartisan balanced budget agreement is a first step toward fiscal sanity in this town. It is a first step toward smaller government, lower taxes and greater accountability in Washington.

Balancing the budget will mean that many more American families will prosper and more young Americans can realize their dreams of getting ahead and building for a better future. That is a victory no matter how we score it.

AUTHORIZING SPEAKER TO ENTERTAIN MOTION TO SUSPEND RULES ON THURSDAY, MAY 22, 1997

Mr. KOLBE. Mr. Speaker, I ask unanimous consent that on Thursday, May 22, 1997, the Speaker be authorized to entertain a motion to suspend the rules and pass H.R. 956, the Drug-Free Community Act.

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

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 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 later in the day.

SAVINGS ARE VITAL TO EVERYONE'S RETIREMENT ACT OF 1997

Mr. FAWELL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1377) to amend title I of the Employee Retirement Income Security Act of 1974 to encourage retirement income savings, as amended.

The Clerk read as follows:

H.R. 1377

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 "Savings Are Vital to Everyone's Retirement Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds as follows:

(1) The impending retirement of the baby boom generation will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings.

(2) Studies have found that less than a third of Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident they will have enough money to live comfortably throughout their retirement.

(3) A leading obstacle to expanding retirement savings is the simple fact that far too many Americans—particularly the young—are either unaware of, or without the knowledge and resources necessary to take advantage of, the extensive benefits offered by our retirement savings system.

(b) PURPOSE.—It is the purpose of this Act—

(1) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

(2) to provide for a periodic, bipartisan national retirement savings summit in conjunction with the White House to elevate the issue of savings to national prominence; and

(3) to initiate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

SEC. 3. OUTREACH BY THE DEPARTMENT OF LABOR.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1131 et seq.) is amended by adding at the end the following new section:

"OUTREACH TO PROMOTE RETIREMENT INCOME SAVINGS

"SEC. 516. (a) IN GENERAL.—The Secretary shall maintain an ongoing program of outreach to the public designed to effectively promote retirement income savings by the public.

"(b) METHODS.—The Secretary shall carry out the requirements of subsection (a) by means which shall ensure effective communication to the public, including publication of public service announcements, public meetings, creation of educational materials, and establishment of a site on the Internet.

"(c) INFORMATION TO BE DISSEMINATED.—The information to be disseminated by the Secretary as part of the program of outreach required under subsection (a) shall include the following:

"(1) a description of the vehicles currently available to individuals and employers for creating and maintaining retirement income savings, specifically including information explaining to employers, in simple terms, how to establish each of the different retirement savings vehicles for their workers, and

"(2) information regarding matters relevant to establishing retirement income savings, such as—

"(A) the forms of retirement income savings,

"(B) the concept of compound interest,

"(C) the importance of commencing savings early in life,

"(D) savings principles,

"(E) the importance of prudence and diversification in investing,

"(F) the importance of the timing of investments, and

"(G) the impact on retirement savings of life's uncertainties, such as living beyond one's life expectancy.

"(d) ESTABLISHMENT OF SITE ON THE INTERNET.—The Secretary shall establish a permanent site on the Internet concerning retirement income savings. The site shall contain at least the following information:

"(1) a means for individuals to calculate their estimated retirement savings needs, based on their retirement income goal as a percentage of their preretirement income;

"(2) a description in simple terms of the common types of retirement income savings arrangements available to both individuals and employers (specifically including small employers), including information on the amount of money that can be placed into a given vehicle, the tax treatment of the money, the amount of accumulation possible through different typical investment options and interest rate projections, and a directory of resources of more descriptive information;

"(3) materials explaining to employers in simple terms how to establish and maintain different retirement savings arrangements for their workers and what the basic legal requirements are under this Act and the Internal Revenue Code of 1986;

"(4) copies of all educational materials developed by the Department of Labor, and by other Federal agencies in consultation with such Department, to promote retirement income savings by workers and employers; and

"(5) links to other sites maintained on the Internet by governmental agencies and nonprofit organizations that provide additional detail on retirement income savings arrangements and related topics on savings or investing.

"(e) COORDINATION.—The Secretary shall coordinate the outreach program under this section with similar efforts undertaken by other public and private entities.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act is amended by inserting after the item relating to section 514 the following new items:

"Sec. 515. Delinquent contributions.

"Sec. 516. Outreach to promote retirement income savings.".

SEC. 4. NATIONAL SUMMIT ON RETIREMENT SAVINGS.

(a) IN GENERAL.—Part 5 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (as amended by section 3 of this Act) is amended further by adding at the end the following new section:

"NATIONAL SUMMIT ON RETIREMENT SAVINGS

"SEC. 517. (a) AUTHORITY TO CALL SUMMIT.—Not later than June 1, 1998, the President shall convene a National Summit on Retirement Income Savings at the White House, to be co-hosted by the President and the Speaker and the Minority Leader of the House of Representatives and the Majority Leader and Minority Leader of the Senate. Such a National Summit shall be convened thereafter in 2001 and 2005 on or after September 1 of each year involved. Such a National Summit shall—

"(1) advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(2) facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(3) develop recommendations for additional research, reforms in public policy, and actions in the field of retirement income savings; and

"(4) disseminate the report of, and information obtained by, the National Summit and exhibit materials and works of the National Summit.

"(b) PLANNING AND DIRECTION.—The National Summit shall be planned and conducted under the direction of the Secretary, in consultation with, and with the assistance of, the heads of such other Federal departments and agencies as the President may designate. Such assistance may include the assignment of personnel. The Secretary shall, in planning and conducting the National Summit, consult with the congressional leaders specified in subsection (e)(2). The Secretary shall also, in carrying out the Secretary's duties under this subsection, consult and coordinate with at least one organization made up of private sector businesses and associations partnered with Government entities to promote long-term financial security in retirement through savings (including for 1998, and thereafter as the Secretary may deem appropriate, the American Savings Education Council).

"(c) PURPOSE OF NATIONAL SUMMIT.—The purpose of the National Summit shall be—

"(1) to increase the public awareness of the value of personal savings for retirement;

"(2) to advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers and their families;

"(3) to facilitate the development of a broad-based, public education program to encourage and enhance individual commitment to a personal retirement savings strategy;

"(4) to identify the problems which hinder workers from setting aside adequate savings for retirement;

"(5) to identify the barriers which impede employers, especially small employers, from assisting workers in accumulating retirement savings;

"(6) to examine the impact and effectiveness of individual employers to promote personal savings for retirement among their workers and to promote participation in company savings options;

"(7) to examine the impact and effectiveness of government programs at the Federal, State, and local levels to promote retirement income savings;

"(8) to develop such specific and comprehensive recommendations for the legislative and executive branches of the Government and for private sector action as may be appropriate for promoting retirement income savings among American workers; and

"(9) to develop recommendations for the coordination of Federal, State, and local policies among the Federal, State, and local levels of government and for the coordination of such policies (including any solutions for Federal, State, and local needs devised at the Federal, State, and local levels) with the efforts of the private sector to meet such needs, and to identify the appropriate authority and entities to implement such recommendations.

"(d) SCOPE OF NATIONAL SUMMIT.—The scope of the National Summit shall consist of issues relating to individual and employer-based retirement savings and shall not include issues relating to the old-age, survivors, and disability insurance program under title II of the Social Security Act.

"(e) NATIONAL SUMMIT PARTICIPANTS.—

"(1) IN GENERAL.—To carry out the purposes of the National Summit, the National Summit shall bring together—

"(A) professionals and other individuals working in the fields of employee benefits and retirement savings;

"(B) Members of Congress and officials in the executive branch;

"(C) representatives of State and local governments;

"(D) representatives of private sector institutions, including individual employers, concerned about promoting the issue of retirement savings and facilitating savings among American workers; and

"(E) representatives of the general public.

"(2) STATUTORILY REQUIRED PARTICIPATION.—The participants in the National Summit shall include the following individuals or their designees:

"(A) the Speaker and the Minority Leader of the House of Representatives;

"(B) the Majority Leader and the Minority Leader of the Senate;

"(C) the Chairman and ranking Member of the Committee on Education and the Workforce of the House of Representatives;

"(D) the Chairman and ranking Member of the Committee on Labor and Human Resources of the Senate;

"(E) the Chairman and ranking Member of the Special Committee on Aging of the Senate; and

"(F) the parties referred to in subsection (b).

"(3) ADDITIONAL PARTICIPANTS.—There shall be not more than 400 additional participants. Of such additional participants—

"(A) one-fourth shall be appointed by the Speaker of the House of Representatives;

"(B) one-fourth shall be appointed by the Minority Leader of the House of Representatives;

"(C) one-fourth shall be appointed by the Majority Leader of the Senate; and

"(D) one-fourth shall be appointed by the Minority Leader of the Senate.

Such remaining participants shall be selected without regard to political affiliation or past partisan activity and shall be representative of the diversity of thought in the fields of employee benefits and retirement income savings.

"(4) PRESIDING OFFICERS.—The National Summit shall be presided over equally by representatives of the executive and legislative branches.

"(f) NATIONAL SUMMIT ADMINISTRATION.—

"(1) ADMINISTRATION.—In administering this section, the Secretary shall—

"(A) request the cooperation and assistance of such other Federal departments and agencies and other parties referred to in subsection (b) as may be appropriate in the carrying out of this section;

"(B) furnish all reasonable assistance, including financial assistance, to State agencies, area agencies, and other appropriate organizations to enable them to organize and conduct conferences in conjunction with the National Summit;

"(C) make available for public comment a proposed agenda for the National Summit that reflects to the greatest extent possible the purposes for the National Summit set out in this section;

"(D) prepare and make available background materials for the use of participants in the National Summit that the Secretary considers necessary; and

"(E) appoint and fix the pay of such additional personnel as may be necessary to

carry out the provisions of this section without regard to provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

"(2) DUTIES.—The Secretary shall, in carrying out the responsibilities and functions of the Secretary under this section, and as part of the National Summit, ensure that—

"(A) the National Summit shall be conducted in a manner that ensures broad participation of Federal, State, and local agencies and private organizations, professionals, and others involved in retirement income savings and provides a strong basis for assistance to be provided under paragraph (1)(B);

"(B) the agenda prepared under paragraph (1)(C) for the National Summit is published in the Federal Register; and

"(C) the personnel appointed under paragraph (1)(E) shall be fairly balanced in terms of points of views represented and shall be appointed without regard to political affiliation or previous partisan activities.

"(g) REPORT.—The Secretary shall prepare a report describing the activities of the National Summit and shall submit the report to the President, the Speaker and Minority Leader of the House of Representatives, the Majority and Minority Leaders of the Senate, and the chief executive officers of the States not later than 90 days after the date on which the National Summit is adjourned.

"(h) DEFINITION.—For purposes of this section, the term 'State' means a State, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, Guam, the Virgin Islands, American Samoa, and any other territory or possession of the United States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There is authorized to be appropriated for fiscal years beginning on or after October 1, 1997, such sums as are necessary to carry out this section.

"(2) RELIANCE ON PRIVATE CONTRIBUTIONS.—The Secretary may accept private contributions, in the form of money, supplies, or services, to defray the costs of the National Summit. The Secretary shall ensure, to the extent practicable, that at least one-half of the funds available to the Secretary for each fiscal year to carry out the provisions of this section consist of such private contributions.

"(j) CONTRACTS.—The Secretary may enter into contracts to carry out the Secretary's responsibilities under this section, but only to the extent, or in such amounts, as are provided in advance in appropriations Acts.".

(b) CONFORMING AMENDMENT.—The table of contents in section 1 of such Act (as amended by section 3 of this Act) is amended further by inserting after the item relating to section 516 the following new item:

"Sec. 517. National Summit on Retirement Savings.".

(c) AUTHORIZATION OF APPROPRIATIONS FOR FISCAL YEAR 1998.—Notwithstanding subsection (i) of section 517 of the Employee Retirement Income Security Act of 1974 (added by this section), the amount authorized to be appropriated for fiscal year 1998 to carry out such section is an amount equal to $1,000,000.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] each will control 20 minutes.

The Chair recognizes the gentleman from Illinois [Mr. FAWELL].

Mr. FAWELL. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I am very pleased to join with my colleague, the gentleman from New Jersey [Mr. PAYNE], the ranking Democrat on the Subcommittee on Employer-Employee Relations, as well as many other Democrats and Republicans from across the political spectrum in sponsoring the SAVER Act.

H.R. 1377 represents bipartisan legislation addressing a critical national problem, the lack of individual retirement savings. I am also pleased to say the SAVER Act has been introduced on the other side of the Hill by Senators CHARLES GRASSLEY and JOHN BREAUX, the chairman and ranking member of the Special Committee on Aging.

In addition, the SAVER Act is endorsed by a diverse group of organizations including the U.S. Chamber of Commerce, the Association of Private Pension and Welfare Plans, the Financial Executives Institute, the National Association of Manufacturers, the American Association of Retired Persons, the American Council of Life Insurance, the Profit Sharing 401(k) Council of America, the Investment Company Institute, and the Society for Human Resources Management.

America faces a ticking demographic time bomb that requires increased retirement savings. The Savings Are Vital to Everyone's Retirement Act, or the SAVER Act, as we refer to it, is a first step in defusing that retirement time bomb. The SAVER Act initiates a broad-based educational program to educate America's employers, workers, and the public in general about retirement savings and convenes a national summit on retirement savings.

Through this bill, we facilitate a broad-based public-private partnership to educate the public on the serious and underreported national problem. Workers need to know the importance of saving for the future and of saving as early in life as possible.

As a survey released this year by the Employee Benefit Research Institute reveals, there is much work to do. Less than a third of Americans have even tried to calculate how much they need to have saved by retirement. Furthermore, less than 20 percent are very confident that they will have enough money to live comfortably through their retirement. The lack of adequate retirement savings will only become a more pressing problem as the baby boomers begin to retire in about a decade. Far too few Americans, particularly the young, have either the knowledge or the resources necessary to take advantage of the extensive benefits offered by our retirement savings system. The virtue of saving appears to have escaped most Americans while the "just charge it" mentality is thriving, according to the research group, Public Action.

The same EBRI study, that is the Employee Benefit Research Institute, found that, while only a quarter of workers expressed confidence in their ability to map out a retirement savings strategy, an encouraging 50 percent said that they would stick to a plan if they had one. We have to find ways to get the information and skills out to workers to harness this latent energy.

The SAVER Act directs the Department of Labor to maintain an ongoing program of education and outreach to the public through, first, public service announcements, second, public meetings, third, creation of educational materials, and, fourth, establishment of a site on the Internet. The information will include a means for individuals to calculate their estimated retirement savings needs, a plain English description of the common types of retirement savings arrangements currently available to both individuals and employers, and an explanation for employers in simple terms of how to establish different retirement savings arrangements for their workers.

The SAVER Act also convenes a national summit on retirement savings at the White House, cohosted by the executive and the legislative branches to be held by June 1, 1998, and then again in the years 2001 and 2005. The national summit would advance the public's knowledge and understanding of retirement savings and facilitate the development of a broad-based public education program. It would develop specific recommendations for legislative and executive and private sector actions to promote retirement savings among American workers.

The national summit would bring together experts in the fields of employee benefits and retirement savings. Key leaders of Government and interested parties from the private sector and general public; the delegates would be selected equally by the majority and minority leaders of the two Houses of Congress and would represent the diversity of thought in the field without regard to any political affiliation. The national summit would receive substantial funding from private sector contributions.

I hope, therefore, that the SAVER Act can be a very important first step in a truly bipartisan effort to reverse the long course of neglect on this vital issue and help American workers better prepare for a comfortable and secure retirement. I urge my colleagues to vote for passage of the SAVER Act and to vote to help to refuse the retirement time bomb to which I made reference.

Again, I thank the gentleman from New Jersey [Mr. PAYNE] for his leadership and his patient guidance of this legislation because without him, we would not be here today.

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

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

Mr. Speaker, I think the SAVER Act will provide a big first step toward greater awareness about retirement security for all Americans. I want to commend the gentleman from Illinois [Mr. FAWELL] for his efforts to bring attention to this very important issue that affects millions of Americans. The retirement clock is running out for millions of Americans and their families. After a lifetime of hard work and contributing to and building our society, millions of older Americans have retired and are not prepared for it.

□ 1100

They cannot afford to pay their bills.

While we have worked closely with the administration to make gains in strengthening protection for plan participants in the last 4 years, we still have miles to go in assuring retirement security for the American worker. Half of all older Americans have incomes of less than $11,300. This is because their incomes are drawn primarily from Social Security, which, on an average, pays $8,460 to retired workers. That is less than today's minimum wage. Very little of their income comes from individual savings.

A very alarming picture painted by statistics is that many of the people we need to reach out for are women and minorities. As my colleagues know, there is a direct correlation between pension adequacy and the wages that workers receive. This is because many employers base their pension benefits on workers' wages. This is true with respect to the defined contributions and defined benefit plans, including 401(k) plans.

A very disturbing image forms when we begin to think about the retirement security of low-wage workers, particularly women and minorities. Many of these workers will never receive a pension. We know that less than half of all working women are covered by a pension. Those who are fortunate enough to be covered by a plan can expect to receive lower benefits in retirement because their wages were lower while they were working.

A recent study noted an alarming trend in private pension coverage among African-Americans and Latino-Americans. This study suggests that many minority workers will become strictly dependent on Social Security and have a shrinking chance to enjoy a financially comfortable retirement.

Moreover, the report shows that the percentage of blacks covered by private pensions of all types plummeted from 45.1 percent in 1979 to 33.8 percent in 1993, while coverage of Latinos fell from 37.7 to 24.6 percent during the same period.

I am hopeful that the SAVER Act will be successful in reaching these workers. Many of them live in my district, but they just do not live in my district, they live in all our hometowns. They may be our friends or members of our families. Millions of people will not have any significant retirement income beyond Social Security, which makes the Federal program even more critical, especially at a time when its fiscal future is under tremendous scrutiny.

With the baby boom generation on the eve of retirement, this statistical snapshot of the next generation of retirees is fueling the current debate about Social Security. I believe the provisions in the SAVER Act will provide more opportunities to better educate and prepare Americans in their retirement. Today, Mr. Speaker, I hope that this is the beginning of developing real solutions that affect real people.

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

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GOODLING], the chairman of the Committee on Education and the Workforce.

Mr. GOODLING. Mr. Speaker, I thank the gentleman for yielding me this time and I want to congratulate the gentleman from Illinois [Mr. FAWELL], and the gentleman from New Jersey [Mr. PAYNE], for bringing this legislation before us today.

We are here to address in a bipartisan fashion the real demographic time bomb that faces the American work force. Workers are not saving adequately for their retirement, and this problem will only become more profound as the baby boom generation continues to age.

It does not take a mathematician to recognize that in the future retiring Americans will have to rely less on Social Security and more on pensions and other personal saving. Diffusing the retirement time bomb requires immediate action. Educating American workers in this is the critical first step.

The Savings Are Vital to Everyone's Retirement Act of 1997, the SAVER Act, is that first step. The SAVER Act initiates projects to educate American workers about retirement savings and convenes a national summit on retirement savings.

I am pleased to join with my colleagues from across the aisle, both in this body and in the Senate, to support this important initiative. Far too few workers, especially the young, understand the importance of saving for retirement.

And others of us understand how confusing it can be to end at 3 a.m. and begin immediately thereafter.

Many small businesses are confused as to how to set up some of the new retirement saving vehicles created by Congress or do they know how to go about encouraging their workers to take advantage of them.

The SAVER Act creates a statutory mandate for the Department of Labor to help inform American workers about retirement savings to give them the tools they need to take advantage of the many existing benefits of our retirement system.

The SAVER Act also hopes to focus greater public awareness on the lack of retirement savings by convening a national summit at the White House. The summit would be a bipartisan undertaking of both the executive and legislative branches, bringing together employee benefit experts throughout the country.

Mr. PAYNE. Mr. Speaker, I yield 2 minutes to the gentleman from Connecticut, [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I want to commend the sponsors of the bill. It is an important step, but we could do a lot more.

There are a number of pieces of legislation that are in the hopper at the moment that could take action to deal with people's situations in dealing with pensions. H.R. 1130, the Retirement Security Act, already has 108 sponsors.

We know what the problems are in pensions. Women particularly, because they leave for childbearing reasons and others, often sever their work in a way that precludes them from getting a pension.

We need to make vesting take less time. We have to figure out and put forth proposals that will get the majority of this Congress, because we know how to do it, we just need to find a majority. The majority in this Congress are Republicans, and we need them to step forward to help us with legislation that will guarantee that women will have an equal shot at pensions, and poor working people as well will have an equal shot at pensions; that corporations cannot raid the funds and leave the pensions underfunded in the final days of people's lives.

When we have the wealthiest country in the world, with 51 million people without pensions, it is clear we are not doing enough. Now, we have done some things through the years. We have prevented some movement of assets. We have done some other things. But there is a lot more to do here.

Women in particular are disadvantaged by this present system. In the next generation it will work less well than our generation. Our parents held one job in a lifetime; most of us will have three or four; the next generation could have as many as eight. It will be impossible for people to vest in pension systems.

This Congress needs to do more than just get information out; it needs to change the laws to make it easier for corporations to set up 401(k)'s and other kinds of retirement benefits. It needs to move forward to change the vesting period so that people, particularly women, can vest in their pensions. We have to move forward and

make sure that people can keep their pensions even if they work only several years at a job.

Those are the things we ought to be doing and can do if we get some support from the Republican side of the aisle.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Arizona, [Mr. KOLBE].

Mr. KOLBE. Mr. Speaker, I thank the gentleman for yielding me this time, and I rise in support of H.R. 1377, the Savings Are Vital to Everyone's Retirement, known as the SAVER Act.

I applaud the work of my colleagues of the Subcommittee on Employer-Employee Relations, the gentleman from Illinois, Chairman FAWELL, and the gentleman from New Jersey, Mr. PAYNE, the ranking member.

With this critical piece of legislation we have taken the first step in providing the American people with the information they need to have to prepare for their retirement years. There is a critical need to look at the low level of retirement savings in the United States today. The story is dramatic.

Between 1951 and 1980, the United States' national savings rates was fairly stable, ranging from 7 to 10 percent. However, since the 1980's, the rate of savings in the United States has dropped to a low of 3 percent. This number reflects the decline in personal family savings, which includes pension accumulations, business savings, and also in the level of savings of the Federal Government. The simple truth is, as Americans, we are just not saving enough for our retirement.

Based on the current economic and demographic trends facing Social Security, it is unlikely that that program can be sustained in its present form without modifying either the benefits or the contributions. Growth in the elderly population in the United States, already very rapid because of increasing life expectancy and declining fertility rates, will accelerate when the baby boom generation reaches retirement age in 2010.

Social Security has been a very successful program over the years, but it provides few Americans with adequate retirement income, and it is likely to play an even more limited role in the retirement picture in the future.

According to the Department of Labor, the average worker will need about 70 percent of his preretirement income to maintain his standard of living after retirement, but Social Security will not provide that level of retirement income. Social Security pays the average worker only about 40 percent of preretirement income and only about 27 percent for workers that earn over $60,000 or more.

Over 2 years ago I became concerned about this and I became involved, in an effort to address the long-term viability of the Social Security program, by forming the house public pension reform caucus. The caucus has begun to explore reform options to address the many economic and demographic problems of the Social Security Program. It is the goal of the caucus to ensure that future generations, including those of our children and grandchildren, are not strapped with a bankrupt system prior to their retirement.

We must encourage Americans to supplement their Social Security income with pension plans and personal savings. These investments will help individuals plan for a more comfortable retirement. In order to encourage individuals to increase their savings and take greater responsibility for their futures, workers must be educated about the various retirement savings choices and investment strategies regarding their retirement future, and that is why I stand here in support of H.R. 1377, the SAVER Act.

This legislation initiates a number of projects to help educate American workers about retirement savings options. It creates a national summit on retirement savings in conjunction with the White House and the private sector. The summit will convene on three occasions, in 1998, 2001, and 2005.

The SAVER Act also directs the Department of Labor to maintain an ongoing program of education and outreach to help workers understand these options and prepare wisely for their retirement.

Mr. Speaker, I urge my colleagues to support this valuable education effort and vote "yes" for H.R. 1377.

Mr. FAWELL. Mr. Speaker, may I inquire as to how much time remains on this side?

The SPEAKER pro tempore (Mr. COBLE). The gentleman from Illinois [Mr. FAWELL] has 10 minutes remaining and the gentleman from New Jersey [Mr. PAYNE] has 14 minutes remaining.

Mr. FAWELL. Mr. Speaker, I yield 2 minutes to the gentleman from Delaware [Mr. CASTLE].

Mr. CASTLE. Mr. Speaker, I thank the gentleman for yielding me this time. I rise today in strong support of H.R. 1377, the Savings Are Vital to Everyone's Retirement Act.

I also want to thank the gentleman from Illinois, [Mr. FAWELL], and the gentleman from New Jersey, [Mr. PAYNE], for providing leadership on such an important issue for the House to consider and for forwarding this timely piece of bipartisan legislation that I am pleased to be an original cosponsor of.

Unfortunately, too many retired Americans today have misjudged their retirement savings needs and today's youth are following in their footsteps as well. These problems pose a significant risk to the future well-being of millions of soon to be retirees as well as the countless baby boomers who will retire after the turn of the century.

Just as the long-term solvency of Social Security remains a vitally important issue that must be addressed by Congress very soon, so too must we also address the looming crisis in private retirement savings by reaching out to all Americans and informing them of this enormous problem. If we fail to do so, the impending retirement of the baby boomers will severely strain our already overburdened entitlement system, necessitating increased reliance on pension and other personal savings. The SAVER Act would do just that.

Studies have shown that less than a third of all Americans have even tried to calculate how much they will need to have saved by retirement, and that less than 20 percent are very confident that they will have enough money to live comfortably throughout their retirement. By passing this legislation, we can help advance the public's knowledge and understanding of retirement savings and its critical importance to the future well-being of American workers, and provide for a periodic bipartisan national retirement savings summit, in conjunction with the White House, to elevate the issue of savings to national prominence, and initiate the development of a broad-based public education program to encourage and enhance individual commitment to a personal retirement savings strategy.

□ 1115

Highlighting this national problem is one of the best things this Congress can do. Enact the SAVER Act now. The retirement time bomb is ticking.

Mr. PAYNE. Mr. Speaker, I yield as much time as he may consume to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I thank the gentleman from New Jersey [Mr. PAYNE] for yielding.

Mr. Speaker, I am very proud to rise as an original cosponsor of H.R. 1377, the SAVER Act, and to join with my colleagues from both sides of the aisle in urging the House to pass this important legislation.

I want to commend specifically the gentleman from Illinois, Chairman FAWELL, and the gentleman from New Jersey, ranking member PAYNE, for their attention to the critical issue of retirement security and for their dedication to crafting bipartisan solutions that will advance the goal of economic security in retirement for all Americans.

Mr. Speaker, statistics demonstrate that our Nation faces an impending crisis when it comes to retirement savings. From World War II until 1980, personal savings rates as a percent of disposable income in this country averaged nearly 8 percent. Yet, in recent years, personal savings rates have fallen dramatically, now averaging barely 4 percent, half of what it was earlier.

People are simply not saving what they will need to have a financially secure retirement.

Indeed, one-third of those close to retirement age have savings of less than $10,000. One in six new Social Security recipients has no retirement savings whatsoever. The problem is particularly acute for modest-income workers. Among the millions in this country with incomes of less than $25,000 a year, fully 42 percent report no retirement savings. And in the baby-boom generation which is rapidly approaching the retirement period, only one in three baby-boomers is on track in their savings for a financially secure retirement.

Mr. Speaker, by focusing on education, the SAVER Act takes an important step in turning this retirement crisis around. A key ingredient in achieving a secure retirement is knowledge, knowing what savings opportunities are out there, knowing how compound interest can work for you, knowing how to plan for retirement throughout one's career, and knowing some basic investment strategies.

Too many people simply lack this information, and we must step up the education efforts so that all Americans will have the tools to plan and save for their own retirement. Retirement education efforts in the workplace have proven enormously effective in getting employees to participate in their 401(k) and pension plans and in providing them with basic information about retirement savings. Yet, more than half of all private sector workers do not have access to a retirement plan at work, and so they miss out on these educational efforts.

The SAVER Act addresses this need by involving the Government in a broad public-private partnership to educate American workers about retirement savings. Specifically, the act directs the Department of Labor to maintain an ongoing program of outreach and education about retirement planning. It convenes a series of national summits on retirement savings at the White House over the next decade. These focused and high-profile efforts will help get the message about the importance of savings to every American so that retirement information no longer depends on the good fortune of having a pension plan at work.

Today, with our retirement system undergoing profound change, education is more important than ever before. For the first time, many Americans are now relying on defined-contribution plans such as 401(k)'s rather than the traditional defined-benefit pension plans for their retirement security.

While 401(k)'s are quite popular with employers and employees alike and offer some undeniable advantages, they also involve a substantial shift of retirement risk from the employer to the worker. Employees must decide what portion of their income to contribute, how to invest their contributions, whether to take loans or withdrawals from their accounts, and how to use their 401(k) savings wisely over the course of their retirement. All this adds up to more risk on the shoulders of individual workers, who may or may not be ready to accept this additional risk.

And the risk for those without retirement plans at the workplace, who must save for retirement all on their own, are even greater. The education about retirement planning and savings authorized by the SAVER Act will help individuals manage their new-found retirement responsibility.

Mr. Speaker, it is my hope that the SAVER Act represents a first step in what will be an ongoing series of bipartisan efforts to enhance retirement secured by expanding pension coverage, increasing pension participation, and boosting permanent savings rates.

While education is critical, it is not the where-all and end-all at getting at this problem; it must be paired with efforts to get more workers covered by retirement plans and the development of a comprehensive national strategy for achieving retirement security.

Along these lines, I am pleased to have joined with my good friends, the gentleman from Illinois, Chairman FAWELL, and the gentlewoman from Connecticut, Mrs. NANCY JOHNSON, in introducing legislation that spurs pension coverage of small business employees and cuts pension redtape for small business.

Just this past Friday, we introduced H.R. 1656, the Secure Assets for Employees Plan Act of 1997, also known as SAFE Act. This will allow small businesses to offer simplified defined-benefit pension plans. SAFE plans will provide all small business employees with a secure, fully portable retirement benefit without choking small business with complex rules and regulations they simply cannot afford.

Unfortunately, only 24 percent of small business employees today have access to a retirement plan at work. We have got to do better than that. I look forward to working with Chairman FAWELLto advance the SAFE Act so that more small businesses can offer pension benefits to their workers.

Mr. Speaker, today I am introducing another piece of legislation which I believe will help advance our Nation's retirement policy. This bill, the Retirement Savings Commission Act of 1997, will create a specific national commission to examine the scope of the retirement savings crisis and recommended policies to help improve the economic security of retirement workers. The Retirement Savings Commission will be the only Federal panel solely charged with exploring pension and savings issues that will help us develop the comprehensive national strategy on retirement savings that we have so sorely lacked in the past.

We have had Social Security commissions, we have had Medicare commissions, but we never looked in a dedicated way at the variety of private savings opportunities and assessed whether or not we have a coherent national strategy for private retirement savings.

In conclusion, Mr. Speaker, let me again congratulate the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey [Mr. PAYNE] for their leadership on this issue and for the excellent bill they have crafted in the SAVER Act. I urge all my House colleagues to advance the cause of retirement education and support this bill, and I look forward to working in the weeks ahead to see that this measure is quickly passed by the Senate and signed by the President.

Mr. FAWELL. Mr. Speaker, I yield 3 minutes to the gentleman from Michigan [Mr. KNOLLENBERG].

Mr. KNOLLENBERG. Mr. Speaker, I thank the gentleman for yielding me the time.

Mr. Speaker, I want to thank the gentleman from Illinois [Mr. FAWELL] and the gentleman from New Jersey, the ranking member, [Mr. PAYNE], for their leadership in recognizing the importance of preparing for retirement. It is not too often that we see such bipartisanship on legislation passed out of the Committee on Education and the Workforce. This was one of those examples. But it is not a partisan issue, it affects everyone, whether you are a Democrat, a Republican, an Independent.

There is a common problem that we have: All of us either live too long or we die too soon. And speaking about the former, investing for retirement is not easy. It takes discipline; it takes foresight. Too often we put off until tomorrow what we should do today. I believe Congress has an opportunity to play a major role in educating the public about retirement preparation, and that is why I am in strong support of the SAVER Act, the so-called Savings Are Vital to Everyone's Retirement Act.

Mr. Speaker, there are several things we know about the current status in America. We know that the average retiree can no longer rely upon Social Security benefits as their sole means of retirement income. We also know workers are not taking advantage of savings opportunities available through 401(k) plans, IRA's, and the rest.

Again, education and outreach are both vital. The SAVER Act begins the process that will highlight on a national level the importance of educating individuals about retirement savings. First, as has been pointed out by the chairman and others, it directs the Department of Labor to maintain

an ongoing program of education and outreach. Second, the SAVER Act convenes a national summit on retirement savings.

Mr. Speaker, I believe it is time that we begin to recognize that there are Federal barriers to retirement. Call them disincentives if you will. But investing is complex enough without adding the many Federal barriers. By identifying those barriers, we in Congress can begin to develop a system that is investor friendly and not investor prohibitive, and Congress must be aware of these so that we can move those disincentives out of the way.

Last, I am glad to see that Congress is taking a proactive role in educating the public about the benefits of retirement planning. The fact is, and I believe this has already been pointed out, the more a person understands about the benefits of retirement planning, the more likely that person will plan for retirement. And the sooner we begin to educate, the sooner we can defuse this retirement time bomb.

I again thank the gentleman from Illinois, [Mr. FAWELL], and the gentleman from New Jersey, ranking member PAYNE, for their work.

Mr. FAWELL. Mr. Speaker, I have no further colleagues here ready to speak at this time. I yield myself such time as I may consume for just a couple of short points.

I think the gentleman from Connecticut mentioned a salient point in regard to substantive legislation which is pending before the Congress, substantive issues. I think it is important to stress that what we have in this legislation certainly is basically a broad-based education for the country in general so that workers and employers and the public in general can better comprehend what the challenges are before us as we look to those golden years ahead of us. But also, it brings together in a very bipartisan fashion people from both sides of the aisle and brings also the private sector into being here.

For instance, it would bring into action the American Savings Education Council, which is a partnership of over 200 private and public sector institutions, including organizations like IBM, American Express, the Employee Benefit Research Institute, many, many entities, and all in a nonpartisan atmosphere. So that I think, especially in a White House summit, that would be part and parcel of this legislation. We would be able to address ourselves perhaps more objectively and more dispassionately to some of the substantive issues which are before us here in Congress which would perhaps otherwise we may not be able to do.

I would be the first to admit that there are important substantive issues. And I so very much appreciate my colleague from New Jersey [Mr. PAYNE] and the tremendous help that he has extended to me in regard to this area of deep interest.

Mr. Speaker, that is all that I do have to say. I am not sure if my colleague on the other side of the aisle, [Mr. PAYNE] has any further comments to make.

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

Mr. Speaker, I would just like to conclude by once again thanking the gentleman from Illinois [Mr. FAWELL] for the cooperative spirit that we have on this very important bill. It seems like the theme is bipartisanship, and it shows that progress is being made. Some of us never felt that that would be a word uttered by us, but we see that we are moving in a new direction. I hope it is the right direction. But certainly, we look forward to this legislation moving forward.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I would like to speak in support of H.R. 1377 to encourage greater investment savings to strengthen the retirement security of our Nation's working men and women.

There are over 51 million Americans who do not have retirement savings. The range of savings for our citizens in the 1980's was 7 to 10 percent. Today the savings rate on average is a little over 4 percent.

Social Security with each passing decade is becoming more and more a supplement to retirement and not just a sole means of income for retirement for those who have sufficient incomes to allow for savings.

In 1980, the Employment Retirement Income Security Act allowed 57.9 million people to participate in private pension programs sponsored by employers and employees, and by 1992 the number had grown to 81.9 million participants.

The total amount of contributions into private pension programs has grown from $66.2 billion in 1980 to $128.8 billion in 1992.

Although these numbers are encouraging they are still far from what they should be with a total national work force of 124 million according to the Statistical Abstract of the United States. The reality for most working Americans is closer to little or no savings. For most, retirement income does not enter into their minds until the time just before retirement. This is far too late to make needed plans to enhance retirement income and further secure their financial security.

I am a strong advocate of any change in our Nation's savings habits which would further strengthen the retirements of women and minorities. These two groups are disproportionately affected by low savings rates because of a much lower earnings rate on average than white males.

If we are to overcome the disparities in the retirement habits of our Nation, we must deal with income levels and the cost of living in different regions around the Nation.

The average annual pay in the city of Houston in 1994 was $30,000. A $30,000 a year income in Houston for a family of four would allow for little savings. Cost of living from region to region or even within States are not equal and this should be taken into account as we work to encourage greater savings and retirement planning.

I ask my colleagues to support this effort to encourage greater savings among our Nation's workers. I would also ask that as other opportunities arise for use to raise the earnings potential or savings rates of minorities that we act.

Mr. PAUL. Mr. Speaker, I rise in opposition to H.R. 1377, the Savings are Vital to Everyone's Retirement Act [SAVER]. Although I applaud the good intentions of the sponsors of this bill, I must oppose H.R. 1377 for two reasons.

First, the proper level of savings should be determined by the free choices of individuals acting in the market. Saving should be a voluntary decision, undertaken because individuals value the greater future rate of return from saving over the value of present consumption not because the Government instructed them that they needed to save. We in Washington cannot judge what the correct level of savings is for any individual much less the entire country. I ask my colleagues, if this program increases the rate of savings beyond the level Congress considers necessary, will we then enact a "Spending is Vital" bill to encourage greater consumption?

Second, and perhaps more importantly, H.R. 1377 ignores the primary reason Americans forgo savings: Government policies that discourage the American people from saving. Even creating a Department of Labor-run education program and spending a million dollars on a series of White House conferences will further reduce the rate of savings as payment for these new initiatives will come either from taxes paid directly by the American people or from inflating the currency to monetize the national debt, thus eroding American's purchasing power. Either way, working Americans will be left with less funds available for saving.

I respectfully suggest that it is not the people who need a savings education. They especially do not need it from a government which, the recent claims of the leadership and the administration notwithstanding, cannot balance its own books. Rather, Congress needs to be educated on how the interventionist policies of this Government are eroding the people's standard of living and making it nearly impossible for many Americans to save an adequate amount for their retirement, or any other vital needs, such as their children's education.

Today, the average American pays more than 40 percent of this income in Federal, State, and local taxes. Thus, before the average American even has a chance to consider saving, a substantial portion of his paycheck is stripped from him in order to fund the welfare-warfare state. Federal tax policy further discourages savings through the exorbitant Federal taxes on capital gains, estates taxes, and the double taxation on corporate dividends.

Government policy further reduces incentives Americans have available for savings through the inflationary policies of the Federal Reserve, which erode the average consumer's purchasing power. The average consumer must spend an ever-increasing share of his or her income purchasing necessities, meaning they have less income available to devote to savings. Today, prices are more than 15 times higher, in normal terms, than when the Federal Reserve was established.

This diminishing purchasing power also creates a disincentive to save. When one's earnings will purchase more today than they will in the future, the rational action may very well be to spend the funds in the present. After all, who would trade a dollar's worth of goods today for 50 cents worth of goods in 20 years?

Clearly, a major reason why the United States has a low rate of saving is the crushing tax burden imposed on the American people by the Government and the erosion of their purchasing power. Yet, rather than address how Government policy is destroying American's ability to save, Congress is planning to spend more taxpayer money to educate the American people on the importance of saving.

Mr. Speaker, the American people neither need nor want Congress to spend another penny of their hard-earned tax dollars on educating them on the importance of savings, and they certainly do not need the Federal Government to spend a million dollars to create a conference on savings. Rather, Congress must cease all unconstitutional spending, cut taxes, and prohibit the Federal Reserve from debasing the currency.

Therefore, I urge my colleagues to vote against H.R. 1377, and instead join me in working to eliminate the true obstacle to savings: the unconstitutional leviathan state that is jeopardizing the economic future of America and destroying the American people's incentive to save.

Mr. PAYNE. Mr. Speaker, I yield back the balance of my time.

□ 1130

The SPEAKER pro tempore [Mr. COBLE]. The question is on the motion offered by the gentleman from Illinois [Mr. FAWELL] that the House suspend the rules and pass the bill, H.R. 1377, 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.

GENERAL LEAVE

Mr. FAWELL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1377.

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

There was no objection.

RIEGLE-NEAL CLARIFICATION ACT OF 1997

Mrs. ROUKEMA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1306) to amend the Federal Deposit Insurance Act to clarify the applicability of host State laws to any branch in such State of an out-of-State bank, as amended.

The Clerk read as follows:

H.R. 1306

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 cited as the "Riegle-Neal Clarification Act of 1997".

SEC. 2. INTERSTATE BRANCHING.

Subsection 24(j) of the Federal Deposit Insurance Act (12 U.S.C. 1831a(j)) is amended to read as follows:

"(j) ACTIVITIES OF BRANCHES OF OUT-OF-STATE BANKS.—

"(1) APPLICATION OF HOST STATE LAW.—The laws of a host state, including laws regarding community reinvestment, consumer protection, fair lending, and establishment of intrastate branches, shall apply to any branch in the host State of an out-of-State State bank to the same extent as such State laws apply to a branch in the host State of an out-of-State national bank. To the extent host State law is inapplicable to a branch of an out-of-State State bank in such host State pursuant to the preceding sentence, home State law shall apply to such branch.

"(2) ACTIVITIES OF BRANCHES.—An insured State bank that establishes a branch in a host State may conduct any activity at such branch that is permissible under the laws of the home State of such bank, to the extent such activity is permissible either for a bank chartered by the Host State (subject to the restrictions in this section) or for a branch in the host State of an out-of-State national bank.

"(3) COORDINATION WITH SECTION 44.—No provision of this subsection shall be construed as affecting the applicability of any State law of any home State under subsection (b), (c), or (d) of section 44.

"(4) DEFINITIONS.—The terms 'host State', 'home State', and 'out-of-State bank' have the same meanings as in section 44(f).".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Jersey [Mrs. ROUKEMA] and the gentleman from Minnesota [Mr. VENTO] each will control 20 minutes.

The Chair recognizes the gentlewoman from New Jersey [Mrs. ROUKEMA].

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are here today to consider very important legislation to clarify the Riegle-Neal Interstate Banking Branching Efficiency Act of 1994. H.R. 1306 will help to protect the dual banking system by preserving the State banking charter as a viable and effective option for State banks that wish to operate in an interstate environment.

It is essential, Mr. Speaker, I stress, to pass this legislation by June 1. On that date, interstate branching becomes effective in 48 out of the 50 States. In the interstate environment that will exist after that date, State banks will be at a distinct disadvantage to national banks if we fail to take this action today. Failure to remedy this disadvantage will certainly have a negative and counterproductive effect on our dual banking system.

The essence of this legislation is to provide parity between State-chartered banks and national banks. This bill does not authorize, and I stress this, does not authorize new powers for State banks. It preserves the right of a State to decide how banks that it charters and supervises are operated and what activities those banks can conduct. For example, a New Jersey bank branching into New York State will have to comply with New Jersey law concerning the composition of its board of directors. Another example is that if a New Jersey State-chartered bank branches into New York and is permitted to sell securities in New Jersey, it may do so in New York if New York State banks are permitted to do so or national banks in New York may do so.

This legislation is critical to the survival of the dual banking system. The dual banking system provides an important choice between the State or national bank charters and has served this country well for over 100 years. I believe it deserves to be reinforced.

In addition, a strong State banking system is necessary for the economic well-being of the individual States and for innovation in financial institutions. It is well known in financial circles how innovative and creative State-chartered banks have been, indeed, setting standards that have ultimately been established at the national level.

This legislation is also important for consumers, because if we do not enact this legislation, State banks will likely convert to a national charter. Certainly the incentive will be there. The end result could be that there will be no consumer protection at the State level. Those protections are sometimes stronger than the basic consumer protections of Federal law. In addition, it preserves the viability of the State charter option for banks that want to branch into other States.

Some at the State level claim that this legislation will harm States rights, but I must stress there should be no misunderstanding that this legislation will preserve that right and, more important, the ability of the States to charter banks and decide how those banks will operate and what activities they will conduct. It enhances that. Moreover, it recognizes the importance of host State laws by requiring all out-of-State banks to comply with host State laws in four key areas, community reinvestment, consumer protection, fair lending, and intrastate branching, unless the State law has been preempted by national banks. In that instance the law of the State which issued the charter will prevail.

In recognition of the importance of H.R. 1306 and preserving the State banking system and the fundamental rights of the States to charter banks, this legislation has broad and overwhelming support from many State representatives. I want to stress this. It is an indication of how it does protect the dual banking system. We have received the wholehearted endorsement of the National Governors Association, which represents the views of all the 50 State Governors, and, by the way,

many of those State Governors, a minimum of 35, have individually endorsed this legislation. The Conference of State Bank Supervisors supports this legislation, and 35 State banking commissioners have made their voices heard with additional individual letters of support. The IBAA, the Independent Bankers, a number of State banking associations, and the Federal Reserve have all expressed support for this legislation. I would add that even the opposition, initial opposition, I stress initial opposition, from the State legislators is not complete. We have received many letters and testimony of support from individual State legislators.

The legislation today incorporates three changes to further clarify the original intent of Riegle-Neal.

First, the bill clarifies the home State law of a State bank must be followed in situations in which a specific host State does not apply to a national bank. For example, if a Minnesota State-chartered bank branches into Wisconsin, it will be required to follow the lending limits established by Minnesota, not Wisconsin.

The second point that I wish to clarify is that H.R. 1306 ensures that when a State bank conducts activities in a host State, it will meet the conditions applicable to the exercise of the activity by either the State banks or the national banks.

Finally, this legislation reiterates that certain provisions of Riegle-Neal relating to antitrust, State filing requirements, and taxation are not changed by this amendment.

I certainly want to thank the gentleman from Iowa [Mr. LEACH], chairman of the Committee on Banking and Financial Services, certainly our colleagues on the other side, the gentleman from Minnesota [Mr. VENTO] and the gentleman from New York [Mr. LAFALCE] for their cooperation and continued willingness to work in a bipartisan manner to craft this bill. I believe that it is a good bill that will go a long way to preserving the integrity of the dual banking system in an interstate climate.

Mr. Speaker, I include for the RECORD the endorsements from the National Governors Association, the individual Governors' letters, the Conference of State Bank Supervisors, the Independent Bankers Association of America, and the Federal Reserve Board endorsements of this legislation, as follows:

BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM
Washington, DC, April 30, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, Committee on Banking and Financial Services, House of Representatives, Washington, DC.

DEAR MADAM CHAIRWOMAN: You have requested the Board's views on the Riegle-Neal Clarification Act of 1997. In 1994, Congress enacted the Riegle-Neal Interstate Banking and Branching Act (Riegle-Neal Act) to establish a framework that would govern interstate branching. Beginning on June 1, 1997, the Riegle-Neal Act permits banks to establish branches on an interstate basis through mergers with other banks, unless a state has affirmatively chosen by that date not to permit interstate branching within that state. To date, 48 states will permit interstate branching by merger on June 1, 1997.

The Riegle-Neal Clarification Act of 1997 is an effort to create parity between national and state-chartered banks in operating out-of-state branches. The Riegle-Neal Act created an ambiguity for state-chartered banks with interstate branches that puts state banks at a disadvantage in operating interstate branches. The ambiguity involves the types of state laws that would apply to the operation and activities of interstate branches of that state bank. The Riegle-Neal Clarification Act of 1997 seeks to clarify this ambiguity by subjecting the interstate branches of state banks to the same laws of the host state that apply to interstate branches of national banks. Under the Riegle-Neal Clarification Act of 1997, state banks and national banks would equally be subject to the community reinvestment, consumer protection, fair lending, and intrastate branching laws of the state in which the branch operates.

The Board believes that this legislation is important in maintaining the health of the dual banking system. It removes an unnecessary obstacle to interstate branching by state banks while at the same time preserving the ability of states to establish uniform practices for all interstate branches in areas that are of particular concern to the states. Accordingly, the Board supports passage of the Riegle-Neal Clarification Act of 1997 and urges Congress to enact this legislation prior to the June 1, 1997, effective date of the Riegle-Neal Act.

Sincerely,

ALAN GREENSPAN,
Chairman.

INDEPENDENT BANKERS ASSOCIATION OF AMERICA,
Washington, DC, May 15, 1997.

DEAR REPRESENTATIVE: On May 7, the Financial Institutions Subcommittee of the House Banking Committee unanimously voted out H.R. 1306, the Riegle-Neal Clarification Act of 1997. The bill is designed to correct an oversight in the Riegle-Neal Interstate Banking and Branching Act that harms the dual banking system by giving national banks a decided edge over state chartered banks that operate interstate. The Independent Bankers Association of America is the only national trade association that exclusively represents the interests of our nation's community banks.

Currently, national banks are subject to the same rules in every state in which they operate. State banks, in contrast, are subject to different operating rules in every state in which they have branches. Therefore, there is no consistency in the operations of an interstate bank with a state charter. This is an incentive to any bank that wishes to operate on an interstate basis to do so from a national charter.

The Riegle-Neal Clarification Act clarifies that generally, state chartered banks will operate under the laws of their chartering state wherever they do business, up to the powers of national banks. State chartered banks would remain subject to host state laws on intrastate branching, community reinvestment, consumer protection, and fair lending laws.

The dual banking system has helped to create the strongest, most efficient, and safest banking system in the world. As we enter the age of interstate branching, it is important that the impact of the states be felt, through state chartered banks, to insure that the positives of the dual banking system are felt in the interstate arena.

Therefore, the IBAA urges you to support H.R. 1306 when it comes up for a vote. Thank you.

Sincerely,

RONALD K. ENCE,
Director of Legislative Affairs.
PETER M. KRAVITZ,
Legislative Counsel.

NATIONAL GOVERNORS ASSOCIATION,
Washington, DC, April 30, 1997.

Hon. MARGE ROUKEMA,
Chair, Financial Institutions and Consumer Credit Subcommittee, Committee on Banking and Financial Services, U.S. House of Representatives, Washington, DC.

Hon. BRUCE VENTO,
Ranking Member, Financial Institutions and Consumer Credit Subcommittee, Committee on Banking and Financial Services, U.S. House of Representatives, Washington, DC.

DEAR MADAM CHAIR AND REPRESENTATIVE VENTO: We are writing to express our support for the Riegle-Neal Clarification Act of 1997, which is designed to ensure that implementation of the Riegle Neal Interstate Banking Act does not unintentionally disadvantage state chartered banks.

During negotiations over the act, the Governors worked to ensure that states had ample time to develop state implementing legislation on an issue in which Congress had taken ten years to reach consensus. The three-year timeline for states was ambitious, but all states have now considered interstate banking and branching legislation. In addition, state banking commissioners, through the Conference of State Bank Supervisors, have developed regulatory agreements that permit state banks to use a one-stop approach for application, approval, and supervision when branching interstate. This ensures that states retain control over the conduct of state-chartered banking operations and that state banks remain competitive with the national bank system.

However, Governors believe legislation is needed to ensure that state-chartered banks that branch interstate can remain competitive with national bank branches. specifically, state-chartered banks need to be certain which host state laws they are subject to and which powers they may exercise consistently. National banks have certainty or consistency in both of these areas. Policy adopted by the National Governors' Association asserts that federal law must not disadvantage state-chartered banks.

The existence of a competitive state charter is the foundation of our dual banking system. The dual banking system has been the source for almost all the major innovations in our banking industry, from deposit insurance to branch banking to interstate branching. Weakening the state charter can only harm the dual banking system, harming both consumers and the industry. The proposed legislation will restore balance to our dual banking system by ensuring that a state charter provides the same certainty and consistency as its federal counterpart. Therefore, we urge Congress to adopt the Reigle-Neal Clarification Act as law before

the nationwide trigger to interstate branching on June 1, 1997.

Please call on us if we can be of any further assistance in supporting this legislation. Thank you for your consideration in this matter.

Sincerely,

GOV. PAUL E. PATTON,
Chair, Committee on Economic Development and Commerce.
GOV. EDWARD T. SCHAFER,
Committee on Economic Development and Commerce.

STATE OF ARIZONA,
EXECUTIVE OFFICE,
Phoenix, AZ, April 3, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House Banking Committee, Washington, DC.

DEAR CONGRESSWOMAN ROUKEMA: Thank you for scheduling your Subcommittee so that you may receive testimony on the legislative proposal which seeks clarification of the Riegle-Neal Interstate Banking and Branching bill. I want to be certain that our state chartered banks can remain competitive in our dual banking system.

Our Arizona State Banking Department is continuing to receive applications for new banks. If these amendments are not approved by Congress, it is quite possible that new applications would all be for a national charter.

It is my recommendation that you and your Committee respond positively to these amendments as proposed by the Conference of State Bank Supervisors.

Sincerely,

FIFE SYMINGTON,
Governor.

STATE OF MISSISSIPPI,
OFFICE OF THE GOVERNOR,
Jackson, MS, February 4, 1997.

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

DEAR SENATOR LOTT: I am writing to ask for your support concerning the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. This Act will have a significant impact on the viability of State bank charters for financial institutions that wish to operate in more than one state.

The trigger date for nationwide interstate branching is June 1, 1997. Banks that operate in more than one state are deciding whether a National or State bank charter would better meet their needs in this new environment. To preserve the State charter as an attractive choice for all banking organizations, all 50 states, the FDIC, and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary authority for supervision and regulation.

Unfortunately, some believe that Riegle-Neal is ambiguous on the application of host state laws to the branches of out-of-state, State-chartered banks, leading to uncertainty on the part of many banks. Certainty about the legal requirements for host state branches is an important consideration in the choice of a National or State charter.

We are asking Congress to provide this certainty and to eliminate any ambiguity with an amendment clarifing that, in general, home state law applies to out-of-state branches of State-chartered banks and that host state law applies only to those branches to the same extent that it applies to out-of-state branches of National banks. In addition, host state branches should also be allowed to exercise powers granted by their home state, at least to the extent allowed for national banks operating in that state.

Resolving these perceived problems is critical to the survival of State-chartered interstate banks and ultimately to the well-being of the dual banking system. The banking industry currently perceives that Riegle-Neal gives an advantage to national banks in the interstate environment. Federal legislation to resolve this problem will restore the balance necessary to maintain our dual banking system, especially if enacted before the June 1st trigger date for nationwide interstate branching. In his letter to you, Acting Commissioner John S. Allision included background materials, talking points, the amendment, and the changes to current law. I encourage you to support this effort.

Sincerely,

KIRK FORDICE,
Governor.

STATE OF NEW JERSEY,
OFFICE OF THE GOVERNOR,
Trenton, NJ, March 31, 1997.

Hon. MARGE ROUKEMA,
House of Representatives, Rayburn House Office Building, Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: I understand that as chair of the House Banking and Financial Services Committee's Subcommittee on Financial Institutions and Consumer Credit, you will soon be introducing legislation to clarify a provision of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994. Your legislation will preserve the viability of the state banking charter for those banks in our state that wish to operate in other states.

For decades, the nation's dual banking system has served consumers and businesses well. Many of the innovations we now take for granted—including checking accounts, ATMs, and adjustable rate mortgages—were all initiated by state banks. In addition, giving financial institutions the choice between seeking a state or a national charter has helped keep regulatory agencies efficient and regulatory costs lower.

Under the provisions of Riegle-Neal, state banking systems were given until this June to prepare for interstate banking. However, many state systems have been facing difficulties in meeting this deadline because Riegle-Neal is unclear regarding the issue of which state law applies to an interstate branch of a bank holding a state charter. To put it simply, it did not fully address whether, for example, the branch of a New Jersey state-chartered bank operating in New York would be governed by New Jersey state banking law or New York state banking law.

Your bill would clear up the ambiguity in Riegle-Neal by making it clear that, in general, the state in which a bank is chartered will govern the activities of all of that bank's branches, even those operating in other states. This provision would apply only to the extent that either a host state law allows or to the extent allowed for a national bank. Your legislation provides state chartered banks the certainty necessary to make the decision whether or not they want to branch out into another state.

As a Governor, I believe it is important that states retain the ability to decide what activities banks it charters and supervises can undertake. This legislation does not grant state banks any new powers, it simply retains authority that has long been theirs.

I am writing to the New Jersey delegation and your colleagues on the Banking and Financial Institutions Committee urging them to express their support for our dual banking system—and for the important role of the state banking system in our national economy—by cosponsoring your legislation.

Sincerely,

CHRISTINE TODD WHITMAN,
Governor.

GOVERNOR PETE WILSON,
STATE CAPITOL,
Sacramento, CA, May 9, 1997.

Hon. JIM LEACH,
House of Representatives, Washington, DC.

DEAR JIM: I am writing to ask for your support on the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994, which will have a significant impact on the viability of state bank charters for financial institutions wanting to operate in more than one state.

June 1st is the trigger date for nationwide interstate branching, and banks operating in more than one state are deciding whether a national or state bank charter would better meet their needs in this new environment. To preserve the state charter as a viable choice for all banking organizations, all 50 states, the Federal Deposit Insurance Corporation and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary authority for supervision and regulation.

Unfortunately, some believe that Riegle-Neal is ambiguous on the legal application of host state laws to the branches of out-of-state and state-chartered banks. This ambiguity is causing uncertainty on the part of some banks. Certainty about the legal requirements for host state branches is an important consideration in the choice of a national or state charter. As a result we are asking Congress to provide this certainty and eliminate the ambiguity with an amendment.

Fixing these perceived problems is critical to the survival of state-chartered interstate banks, and ultimately to the well-being of the dual banking system. The banking industry currently perceives that Riegle-Neal gives an advantage to national banks in the interstate environment. Federal legislation to resolve this problem will restore the balance necessary to maintain our dual banking system, especially if enacted before the June 1st trigger date. I urge you to support this legislation.

Sincerely,

PETE.

OFFICE OF THE GOVERNOR,
STATE CAPITOL,
Des Moines, IA, April 23, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN ROUKEMA & MEMBERS OF THE SUBCOMMITTEE: I am writing to express my strong support for the swift passage of H.R. 1306, your legislation to clarify the Riegle-Neal Interstate Branching Efficiency Act.

My concern about the law as it currently stands is that Iowa state-chartered banks feel uncertain about which laws apply to them when they branch across state lines. National banks in Iowa feel no such uncertainty. Like all businesses, banks prefer to operate in an environment of certainty. If we cannot remedy this situation, state-chartered banks that want to operate across state lines will convert to national charters.

As a Governor, I am Iowa's top economic development officer. I am the individual ultimately responsible for ensuring and protecting the economic opportunity for all of Iowa's citizens and businesses. I believe that it is critical to the economic well being of my state to maintain a strong state banking system. In Iowa, there are 57 national banks and 408 state chartered banks. Your legislation is necessary to keep the state banking charter a viable option for state chartered institutions that wish to operate in an interstate environment.

Riegle-Neal clearly establishes that host state law applies to the branches of out of state banks in four key areas: intrastate branching, community reinvestment, consumer protection, and fair lending. This important provision ensures that our state can continue to protect our citizens through legislation that applies equally to all banks.

In other areas, it seems simplest to follow the "home state/host state" model created by Riegle-Neal. An Iowa state-chartered bank is an Iowa state-chartered bank no matter where it operates; therefore, it makes sense that it continue to operate under Iowa laws, except in those four areas carved out for both national and state-chartered banks.

The reason for our dual banking system is that both state and federal governments recognize banks as powerful tools of economic policy. If Iowa loses its ability to supervise and regulate banks—or even if Iowa is left with only the smallest banks to regulate—it also loses its ability to affect public policy and economic development through banking law and regulation.

The National Conference of State Legislatures has expressed concern about ceding some of the individual state legislature's authority over institutions chartered by other states. Without these amendments, however, I believe that the legislatures and the governor's offices around the country will lose even more of their authority over their own state chartered institutions, as these institutions opt for a federal charter.

Iowa has done an excellent job in crafting a state banking charter that meets the needs of our communities and contributes to the economic well being of the state. Unfortunately, without your legislation, this perceived advantage to having a national bank charter when a bank chooses to operate in more than one state will lead to these institutions opting for a national charter. Unintended policies that create artificial incentives to convert to a national charter are devastating to the dual banking system, and threaten state economic policy.

A meaningful choice between a state or a national banking charter is the essence of the dual banking system. The dual banking system has served this country well for over 100 years and has promoted an efficient, flexible and innovative delivery system for financial services around this country. Your legislation will restore balance to our dual banking system by ensuring that a state charter provides the same consistency and certainty as its federal counterpart. Therefore, I urge Congress to adopt your legislation as law before the nationwide trigger to interstate branching on June 1.

Sincerely,

TERRY E. BRANSTAD,
Governor of the State of Iowa.

STATE OF NEBRASKA,
Lincoln, NE, April 18, 1997.

Representative JACK LEACH,
Rayburn House Office Building, Washington, DC

DEAR REPRESENTATIVE LEACH: I am writing to share my thoughts and ask for your support on an important issue concerning the impact Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 will have on the continuing viability of the state bank charter for financial institutions that wish to operate in more than one state. I have always been a strong supporter of the dual banking system and feel it needs to be preserved.

As the law stands now, Riegle-Neal creates an unintended incentive for a state-chartered bank to switch to a national charter in order to enjoy the full benefits of interstate branching. Current law may disadvantage host state branches of state-chartered banks in the area of powers. Under current law, state-chartered banks whose home states authorize powers comparable or superior to those of national banks relinquish these powers when they branch into states where bank powers are more restrictive than those of national banks.

When confronted with these situations, it is not difficult to imagine a state-chartered bank in the home state switching to a national charter in order to facilitate their branching plans. A solution to this problem would be to allow a host state branch of a state-chartered bank to exercise home state powers to the same extent as a national bank or a bank chartered by the host state, whichever is greater. This would ensure that host state branches of state-chartered banks would not be at a competitive disadvantage to host state branches of a national bank.

Fixing this anticipated problem in Riegle-Neal before the June 1, 1997 trigger date for nationwide banking is important to the survival of state-chartered interstate banks. Fortunately, federal legislation to clarify this provision of Riegle-Neal has been introduced by Congresswoman Roukema in the House and Senator D'Amato in the Senate. In its simplest form, the issue boils down to parity for financial institutions operating in an interstate environment and, ultimately, the well being of the dual banking system.

Sincerely,

E. BENJAMIN NELSON,
Governor.

SOUTH DAKOTA DEPARTMENT OF
COMMERCE AND REGULATION,
March 19, 1997.

NEIL MILNER, CAE, CEO,
Pierre, SD, Conference of State Bank Supervisors, Washington, DC.

DEAR NEIL: I am sure you are aware the Governor is snowed under with legislation and other concerns, however, he did ask me to respond to your letter to him regarding the amendments proposed for Riegle-Neal, he supports CSBS's position, and he will be glad to help in any way he can. He had already directed me to contact each of congressional delegates and request their support which I have done. He also wanted me to thank you for your kind comments regarding his efforts and that he looks forward to seeing you and JC sometime soon.

The Governor also wanted me to specifically congratulate you on your new position and the work you are doing and that he looks forward to working with you in achieving the goals you have set for CSBS.

Very truly yours,

RICHARD A. DUNCAN,
Director of Banking.

STATE OF WASHINGTON,
OFFICE OF THE GOVERNOR
Olympia, WA, April 7, 1997.

Hon. MARGE ROUKEMA,
U.S. House of Representatives,

DEAR REPRESENTATIVE ROUKEMA: I am writing to ask for your support on an important issue concerning the impact the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 will have on the viability of the state bank charter for financial institutions that wish to operate in more than one state.

The trigger date for nationwide interstate branching is June 1 of this year. Banks that operate in more than one state are deciding whether a national or state bank charter would better meet their needs in this new environment. To preserve the state charter as an attractive choice for all banking organizations, all 50 states, the FDIC and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary authority for supervision and regulation.

Unfortunately, some believe that Riegle-Neal is ambiguous on the application of host state laws to the branches of out-of-state, state-chartered banks, leading to uncertainty on the part of many banks. Certainty about the legal requirements for host state branches is an important consideration in the choice of a national or state charter.

We are asking Congress to provide this certainty and eliminate any ambiguity with an amendment that clarifies that, in general, home state laws applies to out-of-state branches of state-chartered banks, and that host state law only applies to those branches to the same extent that it applies to out-of-state branches of national banks. In addition, host state branches should also be allowed to exercise powers granted by their home state, at least to the extent allowed for national banks operating in that state.

Fixing these perceived problems is critical to the survival of state-chartered interstate banks, and ultimately to the well-being of the dual banking system. The banking industry currently perceives that Riegle-Neal gives an advantage to national banks in the interstate environment. Federal legislation to resolve this problem will restore the balance necessary to maintain our dual banking system, especially if enacted before the June 1st trigger date for nationwide interstate branching. Enclosed are background materials, talking points, the amendment and the changes to current law. It is my understanding that Senator D'Amato is working on passing this important amendment. I urge you to support this effort.

Sincerely,

GARY LOCKE,
Governor.

STATE OF UTAH,
OFFICE OF THE GOVERNOR,
Salt Lake City, UT, April 22, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House Banking Commission, Washington, DC.

DEAR REPRESENTATIVE ROUKEMA: Thank you for sponsoring H.R. 1306, THE RIEGLE-NEAL CLARIFICATION ACT OF 1997, whose purpose is to preserve the viability of a state banking charter for those banks wanting to operate branches in other states. I understand the bill has twenty cosponsors, including Utah's representative, the Honorable Merrill Cook.

A strong state banking system is necessary to the economic well-being of my state. In particular, the state component of the dual-banking system has been valuable to the Utah economy. Utah has experienced a vibrant economy throughout the past decade. Both in response to and as a facilitator of the economy, the state has chartered five local commercial banks within the past five

years. In contrast, in the last year alone, two large state-chartered banks operating in multiple states, including Utah, have converted to a national bank charter. My Commissioner of Financial Institutions, Edward Leary, informs me that the primary reason for the conversions was the uncertainty of law and powers facing state-chartered banks operating across state borders.

As a former businessman, I fully understand bankers' desire for certainty when operating in a multi-state environment. It seems to me that this bill ensures that states continue to have a strong voice in shaping both the current and future banking industry across this nation. It does so by restoring balance in the dual-banking system—something the Riegle-Neal Interstate Banking and Branching Act of 1994 expressly intended to maintain.

I respectfully urge you and your committee to respond positively to this bill as proposed by the Conference of State Bank Supervisors.

Sincerely.

MICHAEL O. LEAVITT,
Governor.

STATE OF NEW YORK,
EXECUTIVE CHAMBER,
Albany, NY, April 29, 1997.

Hon. JIM LEACH,
Chairman, House Banking and Financial Services Committee, Washington, DC.

DEAR CHAIRMAN LEACH: I urge you to support the passage of H.R. 1306, the Riegle-Neal Clarification Act of 1997. This bill would amend the Riegle-Neal Banking and Branching Efficiency Act of 1994 ("Riegle-Neal") to help maintain the viability and attractiveness of state banking charters as the era of nationwide interstate branching commences on June 1, 1997.

Riegle-Neal may be unclear as to whether consistent rules are used to determine what laws and powers apply to the out-of-state branches of state and federally-chartered banks. To the extent it remains uncertain that Riegle-Neal establishes rough parity between charters in this regard, some may conclude that the national bank charter is the preferable option.

H.R. 1306 would resolve any such ambiguity by making two important clarifications to Riegle-Neal. First, it would establish that a host state's law would apply to the out-of-state branches of a state-chartered bank only to the same extent that those laws apply to the branches of out-of-state national banks located in the host state. Second, it would make clear that host state branches would be allowed to exercise powers granted by their home state if such powers are permissible for either banks chartered by the host state or for national bank branches in that host state.

The recent decision by KeyCorp to consolidate its operations into one bank under a federal charter should serve as a wake up call to all of us who committed to the preservation of the dual banking system. I ask you to give H.R. 1306 your full support.

Very truly yours,

GEORGE E. PATAKI,
Governor.

STATE OF DELAWARE,
OFFICE OF THE GOVERNOR,
March 27, 1997.

Hon. MARGE ROUKEMA,
Chairwoman, Subcommittee on Financial Institutions and Consumer Credit, House Banking Committee, Washington, DC.

DEAR CONGRESSWOMAN ROUKEMA: I commend you on scheduling the subcommittee hearing to receive testimony on a legislative proposal which seeks clarification to the Riegle-Neal Interstate Banking and Branching bill. Under current law there is a strong incentive for state-chartered banks, with branches in other states, to convert to national banks. This perverse incentive was not contemplated by Congress when it passed Riegle-Neal in 1994 and should be clarified immediately.

The goal of the clarifying amendment is to keep the state banking charter a viable choice in an interstate environment, while keeping the state banking system flexible enough to remain laboratories for innovation in the financial services industry. The amendment is carefully crafted to allow a state-chartered bank to operate in a consistent manner across state lines, while not infringing on state sovereignty any more than is allowed by current law. Furthermore, the proposed amendment would clarify that certain compliance and consumer protection laws would continue to apply equally to national and state-chartered bank branches.

Without this amendment, a state bank that wants to conduct an activity that its home law allows, and which is also allowed for national banks, may switch to a national charter if it cannot conduct this activity as a state-chartered bank in a host state. This amendment only gives that bank the option of remaining a state chartered bank if it wishes to conduct the activities authorized by its own charter in all of the states in which it operates.

Thank you again for scheduling this important hearing. It is an important first step in Congress's attempt to clarify the intent of Riegle-Neal.

Sincerely,

THOMAS R. CARPER,
Governor.

STATE OF MICHIGAN,
OFFICE OF THE GOVERNOR,
Lansing, MI, May 14, 1997.

Hon. BART STUPAK,
Washington, DC.

DEAR CONGRESSMAN STUPAK: I am writing to ask your support of the Riegle-Neal Clarification Act of 1997 (H.R. 1306), introduced by Representatives Roukema, Leach, and LaFalce. This important legislation concerns the impact the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 will have on the viability of the state bank charter for financial institutions that choose to operate in more than one state. This is an issue of significance to Michigan and Michigan state-chartered banks.

The trigger date for nationwide interstate branching is June 1 of this year. Banks that operate in more than one state are now deciding whether a national or state bank charter would better meet their needs in this new environment. To preserve the state charter as a viable choice for all banking organizations, all fifty states, the FDIC and the Federal Reserve have signed agreements to recognize a multi-state bank's home state as the primary regulator.

The problem addressed by the Clarification Act is ambiguity in Riegle-Neal on the application of host state laws to the branches of out-of-state, state-chartered banks, which has led to uncertainty on the part of many banks. Certainty about legal requirements for host state branches is a critical element in the choice of a national or state charter.

The proposed Clarification Act provides this certainty and eliminates any ambiguity. It clarifies, in general, that home state law applies to out of state branches of state-chartered banks, and that host state law only applies to those branches to the same extent that it applies to out of state branches of national banks. Additionally, host state branches would be allowed to exercise powers granted by their home state, at least to the extent allowed for national banks operating in that state.

Michigan Financial Institutions Bureau Commissioner Patrick McQueen and I support this legislation. We believe that the Clarification Act is critical to the survival of state-chartered interstate banks, and ultimately to the well-being of the dual banking system.

I urge you to support the Riegle-Neal Clarification Act of 1997 (H.R. 1306).

Sincerely,

JOHN ENGLER,
Governor.

COMMENTS OF SENATOR MARGARITA PRENTICE, WASHINGTON STATE SENATOR, 11TH DISTRICT—BEFORE THE U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON FINANCIAL INSTITUTIONS AND CONSUMER CREDIT—APRIL 30, 1997

Good afternoon. I am Margarita Prentice, a state legislator from the state of Washington and the Ranking Minority member of our Senate Financial Institutions Committee. I very much appreciate the invitation to appear before this Committee and to have the opportunity to discuss banking policy in our state. I am here today to support H.R. 1306, the Riegle-Neal Clarification Act of 1997.

In 1996, I chaired the Committee that shepherded interstate branching legislation successfully through the state legislature. We enacted a bill to "opt in" early, and Washington state is now open to interstate branching.

I traveled 3,000 miles to be here today to support the efforts of the Washington Director of Financial Institutions, John Bley, and his colleagues from around the country in asking for your support for early passage of a clarifying amendment to Riegle-Neal.

Washington has always been a strong dual banking state. We currently have 21 national banks, 63 state-chartered banks, 15 state-chartered savings banks and seven federal savings and loans. We also have seven foreign banks offices, which have made a tremendous contribution to our development as a major trading center. The last three years, the state issued seven charters to new community banks seeking to serve our citizens.

The state charter has always been an important factor in Washington state's economic development policy. We have been able to provide credit to an expanding economy because we have an active banking sector. Economic development through credit availability was a priority of our former Governor, Mike Lowry, and continues to be a priority for Governor Gary Locke.

I applaud this Committee for the state options that you provided in Riegle-Neal. In fashioning Riegle-Neal in this manner, Congress ensured that each state could consider a wide range of policy choices, and then craft legislation that would meet the needs of each state. Giving the states this ability to carefully consider the issue and to make the policy decisions that were right for them helped the process and encouraged states to opt-in to nationwide branching.

We took the policy options you gave us and over a six month consensus building process worked out a bill for our state on a non-controversial, bipartisan basis with the support of all financial institutions, large and small.

We knew that the challenge to make the state chartered banking system viable in an interstate environment would be tremendous, not only to our state but to all states.

We were especially pleased that Director Bley was appointed to chair the Interstate Task Force set up through CSBS. For the past three years, this Task Force has worked to developed a system to make interstate branching work for state-chartered banks as well as national banks.

As you know, the nation's state bank supervisors have signed a historic cooperative agreement to make interstate branching work. Every state will be a home state and a host state. Unfortunately, if Congress does not pass H.R. 1306, this work may all have been for naught. Without a change in current law, banks may turn disproportionately to a national charter, making it difficult for local legislatures to set banking policy.

One of the most effective tools states have for economic development is their jurisdiction over state-chartered banks. If these institutions move toward a national charter, states will lose a great deal of their current ability to influence economic growth and productivity. Furthermore, the banking industry as a whole will lose the benefit of innovations that may begin at the state level and are later adopted on a national level.

When we considered how interstate branching was going to affect our citizens in the state of Washington, we understood the policy of "home state supervision" that you set forth in Riegle-Neal.

We understood that if a bank were headquartered in our state, our laws would apply to that institution wherever it chose to operate except in the areas of consumer protection, fair leading, community reinvestment and intrastate branching. We understood that host state law would apply to the same extent to both a national bank and an out-of-state, state-chartered bank. This means that banks chartered in Washington would have confidence in the laws applied to them when they branch out of state, and our consumers would have confidence in the laws that protect them when they use any bank, state or national, in our state.

We understood that the home state was the primary regulator, which was determined by where the charter was issued. Therefore, we believed that a bank chartered in Washington state, opening branches in California, would comply with the laws relating to the corporate governance of its Washington charter. California's laws in the area of consumer protection, community reinvestment, fair lending and intrastate branching would apply just like the system you have set up for national banks.

The dual banking system is important because it promoted efficiency, flexibility, innovations in our banking system industry. The states have been the testing ground for interest bearing checking accounts, adjustable rate mortgages and ATMs.

While the states have worked very hard to keep the state system competitive in our interstate environment, I'm here today to discuss with you the reality of what we are finding in Washington State. We opted in to interstate branching early, on June 6, 1996.

To date, only a very small number of banks have chosen to branch and keep a state charter. These are very small institutions that have crossed the border into Idaho.

However, we have also "lost" several large institutions who have chosen a national charter, and will be conducting a banking business in our state. These banks told us that the ambiguity in Riegle-Neal caused them to switch to a national charter because the national charter provides more certainty.

We do not believe this was your intention when the bill was passed.

Some have asserted that if you change Riegle-Neal now, the states that have already opted-in will have opted in under different rules. However, when we opted in, we believed that home states had the primacy over their institutions and therefore this amendment strengthens that view.

It has also been asserted that states could individually "fix" the problem that this amendment attempts to address. In Washington state, we have already authorized our banks to conduct, at any location, any activity that we have authorized.

Our problem is that time is running short. June 1, the nationwide trigger date, is upon us. It would be very difficult, if not impossible, for 50 state legislatures to enact this change. In our state, the legislature has already adjourned for this year. Even if 50 state legislatures were able to act, the federal law problem would still exist.

Our local communities and the state's role in public policy formation will suffer if Congress does not adopt these clarifying amendments to Riegle-Neal. It is true that traditionally, the states seek to defend their absolute authority over the financial institutions that operate within their borders. Some see these proposed amendments as a dangerous preemption of that authority. However, states will lose much more authority if they are no longer supervising state-chartered financial institutions, or are supervising only the smallest, community-based institutions. We must abandon our pursuit of the perfect to preserve the good; and our dual banking system has brought a great deal of good to our citizens, our businesses, and our banking industry.

The virtue of our dual banking system is that the states have the ability to affect economic development through policy decisions for our state-chartered banks. Clearly, if our largest, most influential banking institutions feel they must convert to national charters, this will seriously reduce our ability to affect our own economic destiny.

State-chartered institutions, and state regulation, are intimately connected to their local communities in a unique way. We want to make sure that all of Washington state's institutions have the opportunity to choose this connection. We want to make sure that federal law does not interfere with any bank's ability to choose freely between equally attractive state and federal charters.

I urge you to enact H.R. 1306 as quickly as possible to restore the necessary balance to the dual banking system and ensure that state charters remain a viable option for any financial institution that values its connection to its community.

Thank you for your attention. I would be pleased to answer any questions you may have.

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

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

Mr. Speaker, I rise in support of this measure. The legislation will maintain the dynamic balance between the chartering of national and State banks and banking systems. This is a necessary measure. It must be enacted to clarify and ensure the viability of America's dual banking system. This banking system has served our Nation well. The increased competition, intrinsic within the context of the dual banking system, has produced many new products for consumers, expanded credit opportunities for local communities and produced a vibrant American banking system.

However, with June 1 approaching, the implementation date for interstate branching, there is a concern that the law will lead to disparate treatment of national and out-of-State State chartered banks in a host State. Congress must act to address that possibility.

While I strongly support America's dual banking system, I do not believe that such a system should be maintained at any price. I recognized when we passed the law in 1994 that a consequence of the Riegle-Neal interstate banking and branching law which this legislation addresses could place State-chartered banks at a competitive disadvantage. However, if the cost of correcting this deficiency had been an overall sacrifice of consumer and community protection laws, overriding States rights or granting broad, new authority for banks, I would have objected to this measure.

This measure does not sacrifice consumer or States rights to maintain a viable dual banking system. Working with the gentlewoman from New Jersey [Mrs. ROUKEMA], subcommittee chairman, and the gentleman from Iowa [Mr. LEACH], the chairman, and others, the committee has been able to narrow and clarify the legislation. Instead of an overly broad approach, we have crafted a bill that will maintain a viable State banking system without unduly infringing on States rights and prerogatives.

Under this bipartisan legislation, State laws, particularly those affecting consumer protection, community reinvestment, fair lending, and intrastate branching will be preserved.

Only under the limited circumstances in which the Comptroller preempts host State laws for national banks will out-of-State State-chartered banks similarly be exempted from the laws of the host State. In those cases, the out-of-State bank will be required to follow its own home State laws as regards such activity.

Mr. Speaker, importantly we should keep in mind that in those instances, the home State law cannot be weaker than the Federal law. In fact, Federal law will be the floor and any home State law will be an additional protection for consumers within the host State.

Clearly, concerns still exist about the impact of the basic Riegle-Neal interstate law upon the State consumer protection, community reinvestment and fair lending laws. However, the basis of those concerns go to the original act, and the preemption authority of the Comptroller. This measure, H.R. 1306,

the proposal we are considering, does not expand that authority. Rather, this measure harmonizes those actions to ensure that out-of-State State-chartered banks are treated the same as host State banks or national banks.

Mr. Speaker, when Congress did consider the original Riegle-Neal law, we did debate the national preemption authority. The House version of the interstate bill did eliminate the override authority. However, the House did not sustain that position in conference with the Senate.

I believe that both the gentleman from Iowa [Mr. LEACH], the chairman, and the gentlewoman from New Jersey [Mrs. ROUKEMA], subcommittee chairman, agree with me that the preemption authority of the Comptroller should not be liberally used. There must be a clear and overwhelming rationale for the exercise of such Comptroller power.

In the absence of this measure, however, most State banks with out-of-State bank branches will likely change to a national charter causing the atrophy of the dual banking State-national banking system. This measure clarifies the authority of State banks to engage in activities to the extent to which they can conduct any activity in a host State. This bill does not grant banks new powers. It respects home and host State regulatory authority with the appropriate Federal oversight to determine bank powers. The bill does provide a safeguard to limit the extent to which a bank may exercise its authority geographically and ensures a level playing field within a host State between banks.

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Mr. Speaker, the House Committee on Banking and Financial Services supports the bill banking system. This bipartisan bill is a needed step to ensure that our State banks remain a viable force in the marketplace, able to meet the needs of consumer and local communities.

I urge my colleagues to support this measure.

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

Mrs. ROUKEMA. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, I rise today in support of this important legislation that preserves States' authority over a crucial area of their economic well-being while establishing greater competition in the banking industry.

As a member of the Committee on Banking and Financial Services in the House and in my previous experiences in the State senate, I have seen major changes in the financial and banking arena in the last few years. I have great concern about some changes because they allow large, out-of-State national banks to branch into almost any State. This may be good for the large, but many of us see it as a huge threat for many smaller State-chartered banks, the very same banks that make their livelihood in small towns making small loans to small businesses which, in my opinion, is the backbone of the Nation. The Riegle-Neal Clarification Act corrects this imbalance by preserving the State charter as a viable option for banks that seek to branch across State lines.

H.R. 1306 levels the playing field for small financial institutions and helps to maintain the dual banking system, which is an objective for many Members of this House. A vote for H.R. 1306 will be a vote for States rights, retaining State control over their economic direction. I urge my colleagues to vote for this important bill.

Mrs. ROUKEMA. Mr. Speaker, I yield such time as he may consume to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in support of H.R. 1306, and I urge its adoption.

Mr. Speaker, this Member rises in strong support of this important legislation which preserves the State bank charter as a viable, competitive alternative to the national bank charter. The dual banking system in the United States has been vital to the development of the world's strongest banking system. State-chartered banks are often the laboratory where new, innovative products are tested and perfected. Checking accounts, electronic funds transfers, and bank insurance sales were all introduced by State-chartered banks.

However, the dual banking system has come under assault recently. The Clinton administration has tried on no less than five occasions to impose Federal examination fees, or taxes, on State-chartered banks, only to have them rejected overwhelmingly by the House Banking Committee. Now, there is opposition to this legislation which was introduced to ensure that the Riegle-Neal Interstate Banking and Branching Efficiency Act will be implemented in a manner which meets its intended goal, which is to permit State-chartered banks to branch across State lines.

This Member was intimately involved in the original Riegle-Neal Act, and was concerned at that time that States' rights were protected. That's why this Member proposed and was joined by his distinguished colleague from Minnesota, Mr. VENTO, in offering the opt out provision which was eventually included in that act. However, this Member most certainly does not agree with the argument, being made by groups ranking from the Consumer Federation of America to Consumers Union and the National Conference of State Legislatures, that the bill is an assault on States' rights. This Member believes that this measure actually reinforces States' rights by maintaining the viability of the State charter by ensuring parity with the national bank charter.

Therefore, Mr. Speaker, this Member will vote in favor of this legislation and urges his colleagues to join him in approving this important protection of the dual banking system.

Mr. VENTO. Mr. Speaker, I yield such time as he may consume to the distinguished gentleman from New York [Mr. LAFALCE].

Mr. LAFALCE. Mr. Speaker, I thank the gentleman from Minnesota for yielding this time to me.

Mr. Speaker, I would encourage all my colleagues to support this bill which I am very proud to have been an original cosponsor of and to support it because I do believe its passage is vital to maintain the dual banking system. It is the dual banking system that by giving banks a choice of Federal or State charters has helped to ensure that our U.S. banking industry has remained strong and competitive. By allowing this choice the dual banking system has created a healthy tension, indeed a competition, if my colleagues will, between the Federal bank charter and the State bank charter, and this has ensured that both Federal and State charters remain flexible, remain open to incorporating new market innovations. Indeed, many of the banking products which are commonplace today were first introduced under State charters and later incorporated into the Federal charter.

Now, when Congress passed the Interstate Banking and Branching bill of 1994, it did not, in my judgment, adequately anticipate the negative impact that it might have on State-chartered banks interested in branching outside their home States. However, in the 2½ years since that legislation passed it has become clear that State-chartered banks wanting to branch outside their home States are at a significant disadvantage relative to national banks branching outside their home State.

Why so? Well, it is due to the fact that the national bank regulator has the authority to permit national banks to conduct operations in all the States with some level of consistency. In contrast, under the existing interstate legislation State banks branching outside their home State must comply with a multitude of different State banking laws in each and every State in which they operate.

So the complications of complying with so many different State laws in order to branch interstate has led many State banks to conclude, and might lead even more to conclude, that it would be much easier to switch to a national Federal charter. It could get so bad that it could bring about the demise of the dual banking system. The legislation we are considering today attempts to prevent this from occurring.

Despite comprehensive agreements reached last year between all 50 State bank regulators, which attempted to equalize the situation between State and national banks, many State banks continue to find that there are simply too many legal complications and uncertainties to deal with in trying to determine applicable law.

The Interstate Clarification Act of 1997, today's bill, makes it clear that generally State-chartered banks branching outside their home State will operate under the laws of the host State except in narrow instances where host State law is inapplicable for the branches of an out-of-State national bank. Now this should contribute significantly to providing State banks with some degree of certainty and consistency as they conduct business in various States and should not artificially disadvantage either State or nationally chartered institutions.

It should be emphasized though that the new legislation does nothing to change the original law which requires both national banks and State banks to comply with the laws of the host State in four important areas of law, community reinvestment, consumer protection, fairer lending, and intrastate branching. Those host State laws must still apply.

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

Mrs. ROUKEMA. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Delaware [Mr. CASTLE], a valuable member of the committee.

Mr. CASTLE. Mr. Speaker, I thank the gentlewoman for yielding me the time.

Mr. Speaker, I rise in strong support of H.R. 1306, which will clarify the Riegle-Neal Interstate Banking Act to protect the viability of the State banking charter.

Our Nation has always had a dual banking system. A bank can choose a State charter or a national charter. As a former Governor, I can tell you how important maintaining a State charter is. An attractive State bank charter helps attract banking and business to a State. It helps produce jobs and revenue that help all citizens. This has been important to the success of Delaware and many other States.

As we enter the age of interstate banking and branching it is necessary to ensure that State banks can compete fairly with national banks as more banking is done between States and across the Nation. This legislation will ensure that there is a level playing field between State banks and national banks. At the same time, it will protect consumers and maintain all necessary safety and soundness standards for all banks.

This is an excellent bill that enjoys bipartisan support. I congratulate the gentlewoman from New Jersey [Mrs. ROUKEMA], the chairman, the gentleman from Minnesota [Mr. VENTO], ranking member, and the members of the committee and urge its passage.

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

Mrs. ROUKEMA. Mr. Speaker, I yield such time as he may consume to the gentleman from Iowa [Mr. LEACH], the distinguished chairman of the full Committee on Banking and Financial Services.

Mr. LEACH. Mr. Speaker, I thank the gentlewoman for yielding this time to me, and I will be very brief, and I just would like to thank her very much for her fine work in shepherding this bill through her subcommittee and would stress that, A, it has the strong support of the committee, it is procompetitive, it enhances competition between State and national banks and therefore is very proconsumer because it will give consumers more options and more places to do business. It makes prudential sense; it makes competitive sense. It is a modest bill, but nonetheless a significant bill, and because the timing in which certain other laws go into place, it is brought in a very timely basis to this floor, and I urge its adoption.

Mr. VENTO. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mrs. ROUKEMA. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would just like to conclude by again thanking my ranking member and all the members on the committee. We worked in a very positive bipartisan way to clarify any ambiguities that existed, we have refined those applications of the law with respect to consumers, and above all, we have, I think with this action, protected the dual banking system while at the same time gaining the advantages of interstate banking.

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

Mr. Speaker, I just want to thank the gentlewoman from New Jersey [Mrs. ROUKEMA} again for her work in terms of her managing this bill within the subcommittee, and the hearings that were requested, I think, were very helpful in terms of shaping and finally resolving some of the questions that I and other Members have and the leadership of our colleague from New York, one of the principle sponsors of this bill, a bill so important to his State he obviously gave great detail on that.

Mr. Speaker, again I would ask Members to support the bill.

Mr. BACHUS. Mr. Speaker. I rise today in support of H.R. 1306, the Riegle-Neal Clarification Act of 1997. I commend Chairwoman ROUKEMA for taking the lead on this issue and acting forcefully to make sure that interstate branching does not result in artificial impediments to the continued growth of State chartered banks. This bill will simply clarify the original intent of the Riegle-Neal Interstate Branching and Efficiency Act of 1994 which I cosponsored. This law, which goes into effect June 1, needs this clarification to fully address the issue of various State banking regulations and how this would affect a bank headquartered in one State operating a branch in another.

Mr. Speaker, we have heard almost unanimous testimony that the unfortunate and unintended consequences of our failure to make these clarifications will be the devaluation of State bank charters in favor of national charters and the gradual decline of the State banking system. I am a firm believer in the dual banking system of State and federally chartered institutions and I am certain that the innovation and tremendous strength enjoyed by the American financial marketplace is due in part to the dynamic created by these separate charters. It will be indeed unfortunate if a vibrant State bank is unwilling or unable to take advantage of interstate branching. Many State banks will simply not expand rather than compete with national banks in another State or convert to a national charter in order to grow. Therefore, Mr. Speaker, I urge my colleagues to vote for H.R. 1306.

Mr. VENTO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore [Mr. BARRETT of Nebraska]. All time has expired.

The question is on the motion offered by the gentlewoman from New Jersey [Mrs. ROUKEMA] that the House suspend the rules and pass the bill, H.R. 1306, 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.

GENERAL LEAVE

Mrs. ROUKEMA. 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. 1306, the bill just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

VOLUNTEER PROTECTION ACT OF 1997

Mr. INGLIS of South Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 911) to encourage the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and governmental entities, as amended.

The Clerk read as follows:

H.R. 911

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 "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

(a) FINDINGS.—The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities,

including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially 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. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) 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;

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

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

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

(E) 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.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(4) NONPROFIT ORGANIZATION.—The term "nonprofit organization" means—

(A) any organization which is described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note); or

(B) any not-for-profit organization which is organized and conducted for public benefit and operated primarily for charitable, civic, educational, religious, welfare, or health purposes and which does not practice any action which constitutes a hate crime referred to in subsection (b)(1) of the first section of the Hate Crime Statistics Act (28 U.S.C. 534 note).

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act but only if the harm that is the subject of the claim or the conduct that caused such harm occurred after such effective date.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from South Carolina [Mr. INGLIS] and the gentlewoman from Texas [Ms. JACKSON-LEE] each will control 20 minutes.

The Chair recognizes the gentleman from South Carolina [Mr. INGLIS].

GENERAL LEAVE

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, today we will consider the Volunteer Protection Act of 1997. My distinguished colleague from Illinois, Mr. PORTER, has worked on this bill for some time now, and I hope that we will fulfill his hard work today in this House.

Our Nation has an extensive tradition of volunteering. It is almost impossible to be an American and not have had contact with one of the hundreds of public service groups. The circumstances surrounding that volunteer work are as pleasant as a Girl Scout camping trip or as tragic added flood relief. Now our tradition is in danger like never before. One of the reasons is frivolous lawsuits.

Mr. Speaker, across the country the fear of getting sued keeps people from volunteering. In a recent Gallup survey one in six volunteers reported withholding their services for fear of being sued. About 1 in 10 nonprofit groups report the resignation of a volunteer over the threat of liability.

□ 1200

I have seen this problem firsthand. In my district, for example, a group called Christmas in April, associated with a national organization, rehabilitates houses, creating all kinds of possibilities for frivolous lawsuits. Fear of getting sued is omnipresent and getting worse all the time.

I can illustrate with an example. Assume a volunteer is working on one of those houses and his or her hammer head falls off and hits the homeowner's parked car. Should the homeowner be able to sue the volunteer? Reasonable people, I believe, would say no. The volunteer did not intend to hit the car and was not negligent in losing the hammer. If one is being a good Samaritan and there is an accident that is not one's fault, one should not get sued.

That is the commonsense intent of this bill and here is how it would protect volunteers. First, the bill provides that volunteers will not be liable for harm caused by their acts, as long as they are acting in good faith. To have this protection, the volunteers must act within the scope of their responsibilities in the organization and must not cause harm by willful or criminal misconduct, gross negligence, or reckless misconduct.

Second, the bill offers no protection for individuals who commit hate crimes, violent crimes, section crimes, or who violate the civil rights of others. The bill also does not apply when defendants were under the influence of drugs or alcohol.

Third, the bill allows States to opt out if they choose not to adhere to these standards. In sum, Mr. Speaker, this bill sets a very commonsense standard for protecting volunteers. It makes sense that volunteer groups should use their scarce resources to do their work of mercy rather than use them to defend against frivolous lawsuits.

By passing the Volunteer Protection Act, we will promote voluntarism by removing the risk of getting sued for acts of kindness.

Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. PORTER], who has done such fine work on this bill for a number of years and whose work we are now hopefully going to fulfill today.

Mr. PORTER. Mr. Speaker, I thank the gentleman from South Carolina for yielding, and for his great leadership on this issue.

Let me say that H.R. 911, Mr. Speaker, was originally introduced in 1986 in Congress and was introduced in every Congress since that time. It has repeatedly had over 200 Members as cosponsors and about 30 to 40 percent of those cosponsors were our colleagues from the other side of the aisle. It has had very, very strong bipartisan support. Nevertheless, until this Congress, the bill had never had a hearing and was strongly opposed by the American Trial Lawyers Association.

In 1993, even without a hearing, Mr. Speaker, it was offered by me as an amendment to the National Service Act, and was adopted on a voice vote, and then on a motion to instruct conferees to keep that amendment for volunteer protection in the act. The vote was 422 to nothing. Cynically, however, Mr. Speaker, it was stripped out immediately in conference and never adopted.

In 1997, this year, the gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary, granted hearings. Senators COVERDELL and MCCONNELL over on the Senate side provided leadership to bring the bill to the Senate floor where it passed 99 to 1. Over here on this side, my colleague, the gentleman from South Carolina [Mr. INGLIS] provided the leadership in the House to make a good bill even better.

The Inglis legislation, which was reported out by the Committee on the Judiciary, provides a uniform national standard for protecting volunteers, but allows States to opt out by an affirmative act if they do not wish to be covered. The original bill merely encouraged State action. H.R. 911 now provides a national standard for all volunteers.

The problem, Mr. Speaker, is not that volunteers are having to pay large judgments, that has not occurred in our legal system, but what has occurred is that volunteers have routinely been named as defendants in lawsuits and have had to hire an attorney, go to court, and attend to all the costs and time obligations that that involves.

Volunteers, Mr. Speaker, are central to our society. America could not operate without them. The fact that so many have been named as defendants has had a chilling effect, both on direct service volunteers and as those who would serve as members of boards of directors of charitable organizations.

That is why, Mr. Speaker, there are 124 separate charitable organizations that support this legislation very strongly. They range from the American Association of University Women to the American Heart Association, to the American Red Cross, to the American Symphony Orchestra League, to

B'nai Brith International, the Girl Scout Council USA, the National Association of Retired Federal Employees, the National Easter Seal Society, the Salvation Army, Save the Children, United Way, the YMCA. Any national organization that one can think of probably is a strong supporter of this legislation.

I commend the leadership of our Committee on the Judiciary, and the gentleman from South Carolina [Mr. INGLIS] in particular, for moving this legislation ahead so strongly. I commend it to the Members. I hope that the House will see fit to pass it with the same good margin as the Senate.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the concept of volunteer tort liability legislation. The purpose of this act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs and nonprofit organizations and government agencies that depend on volunteer contributions.

Let me first of all thank the leading proponent of this legislation. I think I was just with him in an appropriations meeting where he gave the history of his advocacy. Since 1986, I believe, the gentleman from Illinois [Mr. PORTER] has been on the side of encouraging a volunteer spirit that does not hamper or hinder the quality of the volunteer service, but protects the dedicated volunteer.

None of this suggests that we are interested in protecting section offenders, criminals, and others who may find their way into the warm and comfortable settings of Girl Scouts, Boy Scouts, other types of volunteer entities. We are suggesting that the bulk of America's volunteers are the average Mr. and Mrs. America in the urban and rural communities who every day rise up to support causes in our cities and in our counties and in our States.

As a result, H.R. 911 encourages the States to enact legislation to grant immunity from personal civil liability under certain circumstances to volunteers working on behalf of nonprofit organizations and government entities.

Let me as well acknowledge the gentleman from Illinois [Mr. HYDE] our chairman of the Committee on the Judiciary, and the gentleman from South Carolina [Mr. INGLIS] for their work in committee, and of course, although we had opportunities to disagree, I am gratified that there were many opportunities to agree, and I thank the gentleman for his work on this matter.

In 1996, the Nonprofit Risk Management Center and the American Bar Association published an analysis of State liability laws for charitable organizations and volunteers. Their findings revealed that prior to the last decade, the number of lawsuits filed against volunteers might have been counted on one hand, perhaps with fingers left over. Although the law permitted suits against volunteers, in practice no one sued them, and volunteers had little reason to worry about personal liability.

In the mid-1980's, that changed. More volunteers were sued and those suits attracted national media attention. Thus, many individuals were deterred from volunteering their services to nonprofit organizations. The nonprofit organizations that thrive on the services of volunteers have been hurt by the drastic reduction of volunteers who were scared away because of the rising threat of suits.

I raised issues in committee which I would like to comment on. This legislation in no way counters the rights of citizens to go in and address their grievances or to not seek remedy for being harmed. I think it is extremely important that we recognize the importance that where there is an extreme degree of culpability on the part of an entity that there should be relief on behalf of that individual. This is to give protection, if you will, to the thousands upon thousands upon thousands upon millions of volunteers who volunteer without danger to those they volunteer on behalf of.

Since 1986 at least 20 States have passed some form of volunteer immunity legislation. However, all of this legislation has given a false impression that volunteers nationwide are immune from lawsuits. To the contrary, many volunteers remain fully liable for any harm they cause and all volunteers remain liable for some actions. Furthermore, some State laws exclude gross negligence or some other category of error above negligence. A few laws even permit suits based on negligence, which nullifies the purpose for which they are offered.

Some of the State laws are confusingly worded, exceptionally complicated, designed for profit making when other problems arise.

Let me say a note if I might to the legal community. From my perspective, this is not a bashing the legal community legislation, and I would like to defend them. I have never seen a calling which has so many accusers, and I would venture to say that throughout this Nation there are a body of individuals, lawyers who practice before the bar, who raise up the highest standards of the legal profession.

I would hope that this discussion does not relegate itself to lawyer bashing, for every citizen deserves to be represented. This creates an even playing field for our volunteers, which we cherish. Just a few weeks ago, the President, Colin Powell, and others, raised up the call for voluntarism.

I hope as we speak today, more and more people are volunteering everywhere and throughout their community, not necessarily the large entities, but working in their neighborhood recreational centers, in their churches and parishes and synagogues, or maybe simply on their block.

A few laws even permit suits based on negligence, which, as I said, nullifies the purpose for which they are offered, and some States are having laws confusingly worded. Even the very best laws require a careful analysis to determine which volunteers they cover and what exceptions they contain. The goal of H.R. 911 is to establish volunteer protection laws that are not confusing and are easily applicable in a judicial proceeding. However, this bill also states that nothing in this act shall be construed to preempt the law governing tort liability actions.

Let me also note, and I appreciate and will engage the gentleman from South Carolina [Mr. INGLIS] in a colloquy later in the debate, but let me appreciate very much the support of the members of the Committee on the Judiciary for clarifying that this particular legislation does not promote hate groups and their activities.

Mr. Speaker, volunteers are essential to the everyday workings of nonprofit service organizations. In fact, we begin to teach our children voluntarism. With that in mind, I hope that this legislation will be seen for what it is, simply a good measure to both protect those who are volunteered upon as well as those who volunteer. It is important that we remember the good samaritans.

Mr. Speaker, I support the concept of volunteer tort liability legislation. The purpose of this act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs and nonprofit organizations and government agencies that depend on volunteer contributions. As a result, H.R. 911 encourages the States to enact legislation to grant immunity from personal civil liability, under certain circumstances, to volunteers working on behalf of nonprofit organizations and government entities.

In 1996, the Nonprofit Risk Management Center and the American Bar Association published an analysis of State liability laws for charitable organizations and volunteers. There findings revealed that, prior to the last decade, the number of lawsuits filed against volunteers might have been counted on one hand, perhaps with fingers left over. Although the law permitted suits against volunteers, in practice no one sued them and volunteers had little reason to worry about personal liability. In the mid-1980's, that changed. More volunteers were sued and those suits attracted national media attention. Thus, many individuals were deterred from volunteering their services to nonprofit organizations. The nonprofit organizations that thrive on the services of volunteers have been hurt by the drastic reduction of volunteers who are scared away because of the rising threat of suits. Since 1986, at least 20 States have passed some form of volunteer-immunity legislation. However, all of this

legislation has given a false impression that volunteers nationwide are immune from suit. To the contrary, many volunteers remain fully liable for any harm they cause and all volunteers remain liable for some actions. Furthermore, some State laws exclude gross negligence or some other category of error above negligence. A few laws even permit suits based on negligence, which nullifies the purpose for which they are offered. Some of the State laws are confusingly worded, exceptionally complicated, designed for profit-making corporations, or otherwise problematic. Even the very best laws require a careful analysis to determine which volunteers they cover and what exceptions they contain.

The goal of H.R. 911 is to establish volunteer protection laws that are not confusing and are easily applicable in a judicial proceeding. However, this bill also states that nothing in this act shall be construed to preempt the laws of any State governing tort liability actions. Mr. Chairman, volunteers are essential to the every day workings of nonprofit service organizations. It is important that we provide protection to these good samaritans.

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

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 1 minute to the gentleman from Ohio [Mr. BOEHNER], the distinguished chairman of the Republican Conference.

Mr. BOEHNER. Mr. Speaker, I want to congratulate the members of the Committee on the Judiciary for bringing this important piece of legislation to the floor today. I particularly want to give thanks to our colleague, the gentleman from Illinois [Mr. PORTER], for his hard work on this subject for many years.

Mr. Speaker, this is important legislation that is long overdue. It is important for our citizens who volunteer; it is important for those groups that do so much for our communities, and to those who need the services that volunteers provide.

As General Powell stated so compellingly in Philadelphia a few weeks ago, our volunteers share our Nation's most important asset: the guiding hands and caring hearts of the American people. Millions of people volunteer on a daily basis for one big reason: because they care. Their caring not only builds homes for Habitat for Humanity, not only helps children and adults reach the goal of literacy, not only does that caring result in coaches for Little League and scout leaders for Girl Scouts and Boy Scouts, this is the type of action that we want to promote on behalf of communities in America.

Government can provide some level of service, but if we are going to be successful in solving our Nation's problems, we need to reach out and we need to allow these organizations to do the best that they can do, and this bill will help that.

□ 1215

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 7 minutes to the gentleman from Illinois [Mr. MANZULLO].

Mr. MANZULLO. Mr. Speaker, I rise procedurally in opposition to this bill, theoretically in favor of it. I will explain that during the course of my remarks.

Mr. Speaker, I rise today concerned and in opposition to this bill. This is very difficult, because the Volunteer Protection Act of 1997 is legislation that has the greatest of intentions. There is no question in my mind that the sponsor of it, my distinguished colleague, the gentleman from Illinois [Mr. PORTER], is sincerely concerned about the issue of volunteer liability.

However, the legislation presented before us today is vastly different than that of the original bill, which has over 150 cosponsors. I encourage those who cosponsored H.R. 911 as it was introduced originally to read carefully the amended version of the bill. Section 3 of the original bill stated that nothing in this act shall be construed to preempt the laws of any State governing tort liability actions.

The original bill stated that in cases where a State certifies that it has enacted this type of bill, then there would be an increase in the social services block grant program under title 20 of the Social Security Act. In other words, a State could opt into the Federal law, and if a State did nothing, State law nonetheless applied. This would keep the principles of federalism.

However, H.R. 911, as amended, is a major change from that standard. Section 3(a) of H.R. 911, as amended, states that the act preempts the laws of any State to the extent that such laws are inconsistent with this act, unless the State goes further in protecting volunteers.

Under the amended version, States must specifically choose under certain circumstances not to be covered under the proposed bill, and the State still cannot opt out entirely because it changes such important issues as whether or not the State has jurisdiction of the particular action.

We realize there are liability problems with the not-for-profits, but not every problem means that there is a Federal solution. The issue of volunteer liability has been addressed by many States because the States have exclusive authority over that, with the exception of very few areas. What we are considering here today is legislation that will federalize tort law for volunteers. I am unconvinced there is any blanket Federal jurisdiction with regard to volunteer protection.

States may vary in how they deal with the problems, but it is their prerogative to do so. It is not a Federal matter. There is no Federal law involved. There is absolutely no connection with interstate commerce. I personally like the bill, and if a member of the State legislature, would vote in favor of it.

Three years ago I voted against the current bill because it federalized the criminal code. One year ago I voted against the terrorism bill for the same reason. Today I will vote against this bill because I disagree with federalizing tort law for volunteers. It is different from issues of product liability, where in those cases I favor Federal legislation because there is interstate and worldwide commerce with regard to the production of a particular item.

H.R. 911 is entirely different. I recognize the increasing liability problems of a not-for-profit. My wife and I helped to start the crisis pregnancy centers in Rockford, IL. It is important, however, to allow States the rights and opportunities to resolve these issues, because that is what federalism is about, that it allows the States the options to come up and craft their own types of laws.

Now, let us take this bill and defeat it, and bring it back in the proper form. What I would suggest is this: I would suggest that Congress enact on the Federal level, if it so chooses, a special type of bill to protect volunteers, make it applicable in Federal courts or at the discretion in the State court, providing that there is a finding of interstate commerce. That would give a jurisdictional basis so that this Congress can constitutionally act within the parameters of what we are bound by. That is the Constitution.

Mr. Speaker, I rise today in favor of this type of legislation. But we have to protect the rights and allow the States to move in this area, unless there is jurisdiction.

The gentleman from South Carolina [Mr. INGLIS] said what happens in the case that a hammer drops on the hood of a car. There is absolutely no Federal connection. If we were to follow the language of the substitute bill, under this bill, if a hammer drops on a car there would be Federal jurisdiction. Under this bill, because insurance is purchased through interstate insurance markets, there would be Federal jurisdiction.

Mr. Speaker, that means that simply because somebody buys insurance, that means that the Federal Government will now take over the entire field of saying that this is interstate commerce, and therefore, we have jurisdiction.

This bill also says that where there are private entities that operate in interstate commerce, the law is very clear as set forth by the Lopez decision. Let us not federalize everything. This body yesterday just passed a bill to try to devolve power back to the States, away from the Federal Government. We should be doing that. We should be taking the original H.R. 911 of the gentleman from Illinois [Mr. PORTER], which encourages the States to pass this type of legislation and, as part of the encouragement, allows

more Federal funds in certain types of programs. But the original H.R. 911 is so totally and dramatically different from this one that I cannot support it.

Mr. INGLIS of South Carolina. Mr. Speaker, I am happy to yield 3 minutes to the gentleman from Tennessee [Mr. BRYANT], a member of the committee.

Mr. BRYANT of Tennessee. Mr. Speaker, I thank the gentleman for yielding time to me. Also let me extend my congratulations and thanks to the members of the Committee on the Judiciary, our chairman, the gentleman from Illinois [Mr. HYDE], and also the chairman, the gentleman from Illinois [Mr. PORTER], for the work he has done in this area.

I do rise in support of H.R. 911. I believe this is a good bill. I think, No. 1, it is a timely bill. As has already been said today, given the renewed spirit of voluntarism advocated by our President and other distinguished leaders, private citizens ought to be encouraged to get involved without fear of an unjustified lawsuit. Unfortunately, in today's litigious society such concerns are very real, and have had a chilling effect on voluntarism.

No. 2, this bill is appropriate. I have a great deal of respect for my colleague, the gentleman from Illinois [Mr. MANZULLO], and he certainly makes a very good argument on this issue, but it is one with which I would disagree. I think with volunteers serving both from within and without their home State, a Federal, consistent law is certainly needed. If a State strongly disagrees with this, then that State, as he pointed out and as I would state today, has the option to opt out completely.

Finally, No. 3, this bill is reasonable. It protects a volunteer, not the organization but the volunteer herself, who is serving within the scope of her duties with the organization. It protects him or her from the day-to-day ordinary, simple negligence cases. It does not protect against willful negligence, willful conduct, gross negligence, a criminal act, drug use, alcohol, or in a situation where a vehicle is involved.

As such, I think it is overall a very good bill, one that we were proud to vote out from the Committee on the Judiciary, and one that I think does the right things at the right time. I would encourage my colleagues to join in support of this, and also, as part of this, to encourage additional voluntarism.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield 5 minutes to the gentleman from North Carolina [Mr. WATT], a member of the Committee on the Judiciary.

Mr. WATT of North Carolina. Mr. Speaker, I thank the gentlewoman from Texas for yielding time to me for the purposes of debate.

Mr. Speaker, let me say that this bill will be characterized as a vote on whether one supports voluntarism or not. I really do not think that this has to do with whether one supports voluntarism at all. I think we all support voluntarism. We all supported voluntarism last week or the week before last when the housing bill came to the floor and we got into a massive debate about whether the Federal Government ought to be requiring residents of public housing to volunteer.

It was not about whether we supported voluntarism or not. It was about the relationship that should exist between the Federal Government and the State government, and the gentleman from Illinois [Mr. MANZULLO] has hit the nail completely on the head on that issue.

It amazes me the extent to which we will go to make ourselves reelectable. We will disregard any kind of principles if it makes us look good, and we will get on a one-track mindset, and the one-track mindset for the last 2 or 3 weeks has been voluntarism, and let us do everything we can do to support voluntarism.

Mr. Speaker, there are some principles here that are more important than voluntarism. I thought that my Republican colleagues, of all people, supported those principles of believing in the rights of States to have certain territory within our Federalist system that they have jurisdiction over. This is one of those areas.

There is no reason that we ought to be federalizing the entire tort law of the Nation related to volunteers. We have no jurisdiction. It is unconstitutional, probably, for us to do that, to take an issue that has no connection with the Federal Government and turn it in such a way that we preempt all State law, and then say we are not overstepping our bounds; in fact, we believe in States' rights.

Mr. Speaker, my colleagues on the other side of the aisle keep telling me that they believe in States' rights, and I keep saying, "Well, when are you going to show it? When are you planning to stand up, and stand up for the rights of States in the Federalist system?"

They federalize juvenile justice, they tried to federalize tort law, they tried to federalize the criminal law. Now here we are, trying to federalize an obligation of the volunteer or the rules related to volunteering and liability when one does volunteer. These are matters of State law, and should be protected in our Federal system if we are going to protect the Federal system at all.

This whole notion that, well, a State can opt out if it wants to, what right do we have to make a State go back to its legislature and pass a law that opts itself out of a piece of Federal legislation? If that is not preemption of State law, we are requiring the States to do that, the Federal Constitution never gave us the right to do that. That is a violation of the whole concept of States' rights.

Mr. Speaker, I agree with the gentleman from Illinois [Mr. MANZULLO]. Were I a member of a State legislature, this is probably a very, very good bill. But that is not the issue here. They did not send us to Washington to pass legislation that State legislators ought to be dealing with. They sent us here to protect the rights of the States in our Federalist system.

I thought that is what my colleagues stood for on the Republican side, and I hope one day they will come back to that realization and start standing up for States' rights, which they give so much lip service to, rather than just doing what is convenient when it is politically popular to do so. This is a bad idea. We ought to defeat it, send it back, and let the State legislators do it.

Mr. INGLIS of South Carolina. Mr. Speaker, I am pleased to yield 2¼ minutes to the gentleman from Illinois [Mr. HYDE], the distinguished chairman of the Committee on the Judiciary.

□ 1230

Mr. HYDE. Mr. Speaker, I thank the gentleman from South Carolina for yielding me the time.

If I may respond to the rather strident criticism of this bill by the gentleman from North Carolina [Mr. WATT], there is a practical reason why Federal preemption occurs here. Many of the disasters, such as the earthquakes in California, the forest fires, hurricanes in Florida attract volunteers from across State lines. The Red Cross, for example, would like to be able to train people to go in for disaster relief for people to train other volunteers, and it is important that they not have to concern themselves with a checkerboard of liability laws.

In addition, there is a very small insurance market to cover volunteers. The cost of that insurance becomes prohibitive if it has to be complicated by a plethora of liability standards from State to State.

So from a very practical point of view, and sometimes that is inconvenient, but from a very practical point of view, it is useful to have a Federal preemption in many cases so that volunteers who cross State lines to give and risk their lives many times are not troubled by having to comply with a checkerboard of laws and are able to get insurance from the organization that attracts them to protect them.

Mr. WATT of North Carolina. Mr. Speaker, will the gentleman yield?

Mr. HYDE. I yield to the gentleman from North Carolina.

Mr. WATT of North Carolina. I would submit to the gentleman, Mr. Speaker, that nobody ever said that federalism was convenient. It is terribly inconvenient to operate in a federalist system.

But that is not a justification for the Federal Government taking over all the rights of the State.

Mr. HYDE. Mr. Speaker, what the gentleman says may well be true, but common sense also has a role to play in legislating.

Mr. Speaker, I am very pleased that today the House of Representatives is considering H.R. 911, the Volunteer Protection Act of 1997. While modest in scope, it will yield significant dividends to our communities by assuring charitably minded Americans that they can volunteer their time without the threat of suit over honest mistakes.

We as a society are caring and giving by nature. Clearly Americans have taken to heart the notion that we all bear some responsibility to help the less fortunate. We recognize that in order to enrich our society, we must foster the arts, religion, education, and other such worthy causes with our contributions. Charitable donations are one way in which we show our support for these causes, but an equally important asset that we contribute is our time. For many, the donation of cash is an economic impossibility. On the other hand, all of us have skills which are as essential to providing services to the community as the funding the nonprofits receive. In fact, giving of our time is really more important than giving money, because time cannot be replaced, and in that sense, it is more valuable.

Unfortunately, over the past two decades, our legal liability system has become more and more of a deterrent to people who would otherwise give of themselves. Most volunteers in most States are fully liable for any harm they cause as a volunteer, and only about half the States protect volunteers other than officers and directors of the nonprofit organization. This means that before deciding to volunteer, individuals have to consider whether they are willing to risk liability which could threaten the financial viability of their families. Not surprisingly, the tradeoffs involved in that calculation frequently discourage the volunteer. In fact, frightened by well-publicized cases where volunteers have been sued, one in seven nonprofit organizations whose officers were polled by the Gallup Organization reported that they had eliminated certain worthwhile programs simply because they could be breeding grounds for legal action.

The problem is not that volunteers have been sued successfully in large numbers, but that they are named in so many lawsuits. Ultimately, the volunteer defendants in most of these cases are found not liable, for good reason. However, the cost of legal defense can be staggering, and the mental anguish a volunteer suffers when sued for exorbitant amounts of damages cannot be measured.

In addition to inhibiting people from volunteering, fear of these high-stakes lawsuits arising from volunteer efforts has led to the scarcity and ballooning expense of insurance to protect against potential verdicts. Between 1984 and 1989, the cost of liability coverage for local Little League Baseball programs shot up from $75 to $795 a year. Nationally, the Little League's biggest cost is not bats and balls, but legal and insurance costs associated with liability. This means that organizations must spend more of their resources paying overhead and less in actually providing the services for which they are created. Or, put another way, in order to provide the same level of services, they must raise substantially more money.

The signal that all of this gives is that volunteerism does not pay. This is absolutely 180 degrees from the message we should be delivering. Volunteers provide services which fill large gaps in government programs for the truly needy—gaps which will no doubt increase over the next decade. As both Federal and State governments make fiscal responsibility and balanced budgets the cornerstone of public policy, nonprofit organizations and the volunteers they utilize will play an even larger role. Besides, it is to volunteers that we owe a great deal of gratitude for our social cohesion—our sense of community in America. Giving money to help the needy is certainly laudable, but it cannot replace the sense of personal connection that comes from being the person who ladles the soup at a food bank, or hugs and feeds the AIDS baby, or helps a recent immigrant obtain rights under our laws.

The time to enact protection for our volunteers has come, and I urge my colleagues to join in supporting H.R. 911.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I yield myself such time as I may consume. I would like to engage in a colloquy with the distinguished gentleman from South Carolina.

I thank the gentleman for the management of this legislation, and I wanted to engage with the gentleman in a discussion on the issue of the hate crime provision that, as the gentleman well knows, I offered in committee, and I was gratified that we were able to work together along with members of the committee to clarify the position as it relates to this particular legislation.

My question refers to the bill's exclusion for groups which practice actions constituting hate crimes. When the committee report states that in order to fall within this exclusion, it would not be sufficient that the organization practice a conduct that forms a predicate of a crime referenced in that statute, that is, the organization's action must rise to the level of a crime, it is my understanding that this language was inserted merely to ensure that the conduct covered falls within subsection (b)(1) of the first section of the Hate Crime Statistics Act.

It is my further understanding neither the bill nor the report language in any way implies that such conduct must rise to the level of a conviction or that it could be established under the usual criminal standard, proof beyond a reasonable doubt.

Am I also correct in understanding that the bill is not intended to prevent exclusion of a group which practices hate crimes but avoid a conviction because of application of evidentiary rules unique to criminal proceedings, such as exclusionary rule.

Mr. INGLIS of South Carolina. Mr. Speaker, will the gentlewoman yield?

Ms. JACKSON-LEE of Texas. I yield to the gentleman from South Carolina.

Mr. INGLIS of South Carolina. Mr. Speaker, the gentlewoman is correct. It is my understanding that any group which is responsible for conduct covered by subsection (b)(1) of the first section of the Hate Crimes Statistics Act would be excluded from the protection of the bill. The language was inserted to clarify that nonprofit groups responsible for civil violations, which did not constitute a hate crime, were not subject to exclusion from the bill's coverage.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the gentleman for engaging in this colloquy with me to clarify this issue.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The time of the gentlewoman from Texas [Ms. JACKSON-LEE] has expired. The gentleman from South Carolina [Mr. INGLIS] has 6 minutes remaining.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Nebraska [Mr. BEREUTER].

Mr. BEREUTER. Mr. Speaker, I rise in strong support of H.R. 911. I commend the gentleman from Illinois [Mr. PORTER] for introducing this legislation. I have been a longtime supporter and cosponsor of such legislation. The fact is that in our increasingly litigious society, volunteers are being sued more often. Insurance premiums for charitable organizations are increasing at a dramatic rate. As a 1988 poll shows, 10 percent of all volunteers are rethinking their existing commitment to charitable work. Despite the concerns that were raised by the distinguished gentlemen from Illinois and North Carolina, this Member consciously supports what the gentleman from Illinois [Mr. MANZULLO] has termed the federalization of tort reform in this area because of the unreasonable opposition in this area of tort reform among some in the legal community in some States, because the distinguished gentleman from Tennessee [Mr. BRYANT] has pointed to the opt out, State opt out provisions and because of the arguments made by the distinguished gentleman from Illinois [Mr. HYDE], chairman of the Committee on the Judiciary.

The measure could very well be entitled the Good Samaritan Act. As the New Testament parable makes clear, only a few people are willing to sacrifice their time and money to help others. That remains true today.

Mr. Speaker, those who are willing to help others should not be penalized by the threat of lawsuit if someone is inadvertently harmed during the course of a volunteer activity. In closing, I support this legislation and urge my colleagues to do so.

And, Mr. Speaker, I thank the gentleman from South Carolina for yielding me the time.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois [Mr. PORTER], who has done excellent work on this bill.

Mr. PORTER. Mr. Speaker, I want to say that I have the highest respect for those who would defend the Constitution as they see it. The gentleman from Illinois [Mr. MANZULLO] and the gentleman from North Carolina [Mr. WATT], I would say to both of the gentlemen that the Senate very, very carefully considered this question when they considered this bill before the House did. The Senate is, after all, the repository of States' rights under our Constitution. They added the provision for opting out for any State that wished to do so before passing the legislation almost unanimously. I would also say that many of the organizations that depend upon volunteers are national organizations who operate across State lines every day and across the entire country.

Finally, I would say that this matter undoubtedly could be considered by the courts in the course of a lawsuit. I think, rather, what is going to happen, though, Mr. Speaker, is that States, many of which have made progress in this area since this legislation was introduced, and I would like to think maybe were prodded into making some of that progress, will again come back and address this issue. Those who have not addressed it will come back and address it in their own way and, in the process, will adopt legislation that they think is appropriate and then perhaps opt under the clause in the legislation. That will get the job done as well.

The goal here is to protect volunteers, to prevent the chilling effect of possibly being dragged into court from preventing people from coming forward and offering their services that are so vital to our country. I believe this legislation addresses that issue head on and makes great progress. I think it is going to work out in all areas.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 15 seconds to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I thank the gentleman for yielding me the time.

As a cosponsor of the Porter bill, I merely want to commend my good friend, the Republican cochairman of the Congressional Human Rights Caucus, for another act of legislative statesmanship. He is bringing great credit to this institution, and I want to congratulate the gentleman from Illinois [Mr. PORTER].

Mr. INGLIS of South Carolina. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas [Ms. JACKSON-LEE], with appreciation for her support of this bill.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I am delighted to have been able to work with the gentleman from South Carolina [Mr. INGLIS] and to add my appreciation to the gentleman from Illinois [Mr. PORTER] for his guidance.

Let me emphasize to all who might hear, I encourage the support of this legislation and particularly explain to those who heard our colloquy, I am gratified that this legislation excludes those heinous promoting groups of hate and hate crime activities, such as the Ku Klux Klan and others who may engage in these very dastardly thought processes and acts that are not part of the American psychology.

Let me also say that we must think about who is impacted. Diverse groups from the likes of the American Diabetes Association, the American Heart Association, Salvation Army, Save the Children, NAACP and the National Urban League, all fall under the same category of voluntarism.

Might I say to my colleagues that I think this is a giant step not to bribe volunteers or pay off volunteers but it is a giant step to appreciate volunteers.

I thank the gentleman for yielding time to me.

Mr. INGLIS of South Carolina. Mr. Speaker, I yield the balance of my time to the gentleman from Pennsylvania [Mr. GEKAS], a member of the committee.

Mr. GEKAS. Mr. Speaker, on the same weekend that four Presidents met in Philadelphia to call the country to voluntarism, on that same weekend, I attended three, I think it was four Little League opening games for the season. During those proceedings, there were coaches, administrators, refreshment stand workers, other kinds of attendants at those functions that were in the true spirit of voluntarism.

I wish the four Presidents had come there to observe what voluntarism in action really was. The passage of this legislation here today will do more to add to the incentive that our neighbors and community workers have for helping out in Little League and 100 other kinds of activities than the meeting in Philadelphia, sorry to say.

It was wonderful to see the Presidents espouse voluntarism, but it is more important to give some kind of relief to give volunteers the sense of safety that they will have in proceeding to provide those services for the young people of our country.

Those who worry about whether or not our country is falling apart at the seams, all they have to do is go to Big Brothers, to Red Cross, to the charities, to the churches, to the Little League and back again to Philadelphia to see the Presidents call the people to action and voluntarism. What we do here today is more important.

Mr. Speaker, I rise to again express my support for H.R. 911, the Volunteer Protection Act, and to congratulate Mr. PORTER, the sponsor, for his efforts over these many years. My support for this measure goes back to its original introduction over 10 years ago. The bill, which reforms current civil statutes to protect individuals from being sued from harm incurred by another person in the course of volunteering for a charitable cause, arose out of many cases of wrongly-incurred legal liability which has threatened to destroy our system of community volunteerism. The examples abound, and I will not here restate them. But I will point to a particular sector of Americana that has been especially jeopardized by these suits and will find great relief in the passage of this measure: Sports volunteers.

Possibly no sector of our culture relies on volunteers more than sports, and especially youth sports. And over the last decade, volunteer participation in youth sport programs has decreased and become increasingly more difficult to fulfill, and the cost of protecting those volunteers who do risk the personal and financial anguish should a suit arise has grown. All due to the success of what many call completely frivolous law suits. A sad formula: Lawsuit success equals volunteerism decline. Throughout my entire political career, including when I was elected to the U.S. House of Representatives in 1982 until this moment, I have been closely involved with nonprofit sports groups and well aware of the growing lawsuit problem. In 1985, as the representative of the Pennsylvania congressional district which included Williamsport, the home of Little League Baseball, I introduced a measure in the 99th Congress, H.R. 3756, the Nonprofit Sports Liability Limitation Act, modeled after a recently passed State law, in an effort to remove the black cloud of frivolous lawsuits hanging over the nonprofit sports system by limiting the civil liability of managers, coaches, sponsors, and other volunteers who engage in youth sports programs throughout the country.

To no one's surprise, my measure, while lauded as being a "good idea," went nowhere in the Democratic Congress. So, the measure was reintroduced in the 100th Congress as H.R. 1993—with the gentleman from Illinois, Mr. PORTER, as an original cosponsor—and then in the following Congresses. While H.R. 911 speaks to a broad coverage, my measure was more targeted in the hope that its focus, nonprofit sports groups, would be less controversial. I do not feel that either measure was controversial at all, but the reigning party in Congress differed with my acumen. So success eluded both my and Mr. PORTER's measure until now. I am very happy that now, after over a decade of trying, the Congress is finally and definitively addressing the issue of volunteer jeopardy for which both Mr. PORTER and I have been fighting.

I wish to include in the RECORD a copy of an April 17, 1987, Harrisburg Patriot editorial, supporting my proposal, and by extension, H.R. 911. I congratulate Mr. PORTER for his determination and success.

[From the Harrisburg Patriot, Apr. 17, 1987]

LEGAL SHIELD FOR VOLUNTEERS

If this country's civil litigation arena often takes on the appearance of a shark tank at feeding time, it is altogether understandable that otherwise-generous people show some reluctance for getting involved in volunteer work that may involve the risk of legal liability.

Certainly, second thoughts have been generated among adult volunteers in charge of

youth sports programs. A 1982 New Jersey case in which the coach of a kids' baseball team was sued after a team member suffered an injury in the outfield provides a chilling example. The case was settled for an undisclosed amount.

Is it right that volunteers and "good Samaritans" should have to bear the same liability as neglectful motorists or contractors paid for their services? U.S. Rep. George W. Gekas does not think so. With the backing of Little League Baseball, whose Williamsport headquarters is in his district, the Harrisburg Republican has reintroduced a bill restricting the legal liability of non-paid coaches and managers.

Gekas' bill is based on tried-and-true state law now in effect in Pennsylvania, Delaware and new Jersey. In fact, Pennsylvania's "Good Samaritan Act," intended to protect citizens who come to the rescue of others in distress, was a pioneer effort in this direction.

The Gekas bill provides an umbrella of protection for men and women of good will, enabling them to carry on their beneficent works without the fear of being sued or the expense of having to acquire high-priced liability insurance.

The volunteer spirit is an American institution that is threatened by an aberrant phenomenon. Any reasonable measure that strengthens and preserves this spirit deserves favorable consideration.

Mr. CONYERS. Mr. Speaker, I rise in opposition to this legislation. Although H.R. 911 is well intentioned, it will do nothing to encourage increased voluntarism, it will unnecesarily preempt traditional State law, discriminates against women and seniors, and it fails to adequately protect against abuse by hate groups. Simply put, I believe we can encourage voluntarism without encouraging negligence.

H.R. 911 WILL DO NOTHING TO INCREASE VOLUNTARISM

We all want to increase voluntarism in our communities, but this bill doesn't amount to a hill of beans in that respect. No witness has been able to identify a single case whose outcome would have been altered had H.R. 911 been law at the time of the case, and we've found no evidence of any case filed during the last 7 years whose outcome would have been altered by the legislation. There is absolutely no empirical evidence showing that this bill would do anything to increase voluntarism.

H.R. 911 UNNECESSARILY PREEMPTS STATE TORT LAW

To the extent there is any problem with volunteer liability, the States are fully capable of passing their own laws protecting volunteers from personal civil liability. As a matter of fact, every State in the union now has a law specifically limiting the legal liability of volunteers or nonprofit organizations.

Moreover, by mandating these provisions on the States, we invite legal challenges to congressional authority to legislate in this area, particularly under the Supreme Court's recent decision in United States versus Lopez. The Justice Department Office of Legal Counsel has similarly expressed concern that the bill would invite constitutional challenges because its coverage is not limited to volunteer organizations that engage in interstate commerce or liability that arises by reason of volunteer services affecting interstate commerce.

Arguments that the so called opt-out provision protects State prerogatives because it allows them to elect not to have the provisions apply miss the mark. Not only does this require affirmative action in the statehouse and senate as well as the Governor's signature, many States only meet on a biennial basis and couldn't even consider electing to opt-out for several years. In addition, the opt-out provision is unduly narrow in that it would only allow States to preserve their laws if all the parties are residents of the State. This is in direct contravention of traditional conflict of law principles, which typically apply a State's law to outsiders so long as the injury occurred within a State.

H.R. 911 FAILS TO PROTECT AGAINST ABUSE BY HATE GROUPS

While there is a limited provision relating to hate groups in the bill, this does nothing to insure that State law does not unnecessarily immunize such persons. For example, if a particular State provides across the board immunity to volunteers, H.R. 911 continues to allow a member of a militia or hate group who negligently entrusts a gun to a child—who in turn harms an innocent victim—to avoid responsibility for the negligent entrustment.

It is because of the bill's failure to provide full protection against harm perpetrated by hate group members that the Southern Poverty Law Center has chosen to oppose the legislation. Morris Dees, there chief trial counsel has written:

Under this legislation . . . a state could maintain or reinstate protections for volunteers of white supremacists, neo-Nazi and violent militia groups—the types of organizations the Southern Poverty Law center has crippled over the past ten years through the use of both federal and state tort laws . . . Without two-way preemption, ensuring that volunteers connected with hate groups are never insulated from liability, we would oppose H.R. 911.

H.R. 911 DISCRIMINATES AGAINST WOMEN, CHILDREN, AND ELDERLY

Because H.R. 911 limits recovery for noneconomic damages—the loss of a limb, the loss of reproductive capacity and other pain and suffering—by saying that tortfeasors are not jointly and severely liable for such damages. Losses incurred by a wealthy CEO who is a victim of negligence are easily translated into economic losses which are not limited by this bill. By contrast, losses incurred by a women who loses her reproductive capacity, or a senior, or child who loses a limb, are more likely to be considered noneconomic damages which are limited by the bill.

CONCLUSION

Instead of enhancing volunteerism or helping our poor and underprivileged, H.R. 911 creates a complex and inconsistent new overlay of limitations, confusing a system of State tort law that has served this Nation well for more than 200 years. I urge a "no" vote on this legislation.

Mr. DOYLE. Mr. Speaker, as a cosponsor of the Volunteer Protection Act in both the 104th and 105th Congress, I am pleased that the House is considering this thoughtful approach to voluntarism, as it relates to the disincentive of potential litigation. This measure has significant bipartisan support and represents our commitment to encouraging individuals to contribute to the success of their communities by volunteering their valuable time.

In today's climate, schedules are busy and personal demands are great. As Members of Congress, we cannot directly remedy the day-to-day responsibilities of individuals which may pose as obstacles for volunteer service. We can however, remove obstacles for those individuals who have the time and interest in committing themselves to community service.

The Volunteer Protection Act provides protection from personal civil liability in reasonable circumstances to volunteers involved in the activities of groups such as nonprofits, community organizations, nursing homes, educational institutions, and local governments. If we are truly serious about encouraging voluntarism, support of H.R. 911 embodies a responsible, concrete first step. The consensus on the merits of this bill is evident by the wide range of philosophical views held by its 152 cosponsors.

The Volunteer Protection Act has met with success at every level. The Senate overwhelmingly approved this bill by a 99-to-1 vote. And the House Judiciary Committee reported this measure by a 20-to-7 vote. I am confident that the full House will act today in favor of this provolunteer legislation.

In the spirit of voluntarism, I urge my colleagues to join me in sending a message of assurance to those who selflessly provide uncompensated services to those in need by voting in favor of H.R. 911, the Volunteer Protection Act.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from South Carolina [Mr. INGLIS] that the House suspend the rules and pass the bill, H.R. 911, as amended.

The question was taken.

Mr. INGLIS of South Carolina. 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.

SENSE OF HOUSE REGARDING TERRORIST ATTACK IN CAMBODIA

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 121) expressing the sense of the House of Representatives regarding the March 30, 1997, terrorist grenade attack in Cambodia.

The Clerk read as follows:

H. RES. 121

Whereas Cambodia continues to recover from more than three decades of recent warfare, including the genocide committed by the Khmer Rouge from 1975 to 1979;

Whereas Cambodia was the beneficiary of a massive international effort to ensure peace, democracy, and prosperity after the October 1991 Paris Peace Agreements on Cambodia;

Whereas more than 93 percent of the Cambodians eligible to vote in the 1993 elections in Cambodia did so, thereby demonstrating the commitment of the Cambodian people to democracy;

Whereas since those elections, Cambodia has made significant economic progress

which has contributed to economic stability in Cambodia;

Whereas since those elections, the Cambodia Armed Forces have significantly diminished the threat posed by the Khmer Rouge to safety and stability in Cambodia;

Whereas other circumstances in Cambodia, including the recent unsolved murders of journalists and political party activists, the recent unsolved attack of party officials of the Buddhist Liberal Democratic in 1995, and the quality of the judicial system—described in a 1996 United Nations report as "thoroughly corrupt"—raise international concern for the state of democracy in Cambodia;

Whereas Sam Rainsy, the leader of the Khmer Nation Party, was the target of a terrorist grenade attack on March 30, 1997, during a demonstration outside the Cambodia National Assembly;

Whereas the attack killed 19 Cambodians and wounded more than 100 men, women, and children; and

Whereas among those injured was Ron Abney, a United States citizen and employee of the International Republican Institute who was assisting in the advancement of democracy in Cambodia and observing the demonstration: Now, therefore, be it

Resolved, That the House of Representatives—

(1) extends its sincerest sympathies to the families of the persons killed, and the persons wounded, in the March 30, 1997, terrorist grenade attack outside the Cambodia National Assembly;

(2) condemns the attack as an act of terrorism detrimental to peace and the development of democracy in Cambodia;

(3) calls upon the United States Government to offer to the Cambodia Government all appropriate assistance in identifying and prosecuting those responsible for the attack;

(4) calls upon the Cambodia Government to accept such assistance and to expeditiously identify and prosecute those responsible for the attack; and

(5) calls upon all Cambodian political parties to renounce and condemn all forms of political violence.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON], each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

□ 1245

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

Mr. Speaker, I am pleased to rise in support of House Resolution 121. I want to thank the gentleman from California [Mr. HORN], for sponsoring this resolution. House Resolution 121 rightfully expresses the concern of this Chamber about the terrorist grenade attack against a peaceful political rally in Cambodia on March 30, 1997.

Cambodia emerged from a protracted civil war in 1991 and soon thereafter began the difficult process of bringing prosperity and democracy to its people. The Congress has stood by Cambodia, has been a consistent supporter of the efforts to build and advance democratic institutions and processes there.

I strongly believe that it is appropriate for the House to condemn this grenade attack, a bloody and cowardly challenge to freedom, and to call on all parties to end political violence in Cambodia. The Cambodian Government must ensure that those responsible for this act of terror are brought to justice. This resolution reaffirms our support of those Cambodians who are committed to democracy and to human rights.

Mr. Speaker, I conclude by expressing our condolences to families of those who were killed in the attack, and I wish a full and speedy recovery for those who were wounded.

Again I commend my colleague, the gentleman from California, for introducing this resolution, and I want to thank the distinguished chairman of the Subcommittee on Asia and the Pacific, the gentleman from Nebraska [Mr. BEREUTER], for his leadership in bringing this measure before us today.

I fully support House Resolution 121 as a sign of our continuing support for democracy and for freedom in Cambodia, and I urge its adoption.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of the resolution.

Mr. Speaker, I certainly support this resolution. I urge my colleagues to vote for it. I want to express my appreciation to the chairman of the committee and the gentleman from Nebraska [Mr. BEREUTER], the two cosponsors, and of course the chief author of the resolution, the gentleman from California [Mr. HORN].

The resolution was adopted unanimously in committee. I do not know of any opposition to it. The administration supports the resolution. All of us agree, I think, that violence has no place in a democracy, and all those who believe in democracy have an obligation to speak out and to condemn such acts as this grenade attack in Cambodia a few weeks ago.

This resolution places the House of Representatives squarely on record in opposition to such wanton acts of violence, and I urge the adoption of the resolution.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. HORN], the sponsor of this resolution.

Mr. HORN. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations, and the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, and the gentleman from Indiana [Mr. HAMILTON], the ranking Democrat on the committee, for their initiative in bringing House Resolution 121 before the House of Representatives.

Yesterday we considered a critical measure on balancing our budget. Many had varying concerns over the impact made by a balanced budget. We debate this vital legislation because we are fortunate to live in a nation that allows us to debate the future direction of our country in peace. The only bombs thrown in this Chamber are rhetorical.

House Resolution 121, however, addresses a very different problem. The democratic system established in Cambodia in 1993 has existed in a very fragile environment. The hopes the world shared for peace in Cambodia are being frustrated again as violence returns to daily life and the political process in Cambodia.

As outlined in this resolution, we can voice our outrage at the March 30 attempt by some to fatally wound democracy in Cambodia. In this attempt, 19 were killed and over 100 were injured in an attack outside the Cambodian National Assembly. Among the wounded was an American, Ron Abney. He was in Cambodia as a staff member for the International Republican Institute. He was helping Cambodians in building a stronger representative system.

I urge the support of this resolution. It recognizes the hope of Cambodians and all free people to secure democracy and fair representation in this too-long-troubled nation.

Mr. Speaker, I have the privilege of representing Long Beach, CA, which is proud to be the home of 50,000 Cambodians. They chose Long Beach because California State University at Long Beach has educated many of the leaders of Cambodia in the late 1960's. When many of these able students returned to their country in the early 1970's, they left their families in Long Beach.

During the tragic days of 1975, one Cambodian after another left their native country before Pol Pot and his murderers and butchers were able to massacre them as he did 1 million Cambodians. Many of them have never forgotten their homeland. Some of them have returned to their country and are part of the current government, which is seeking to bring peace, progress, prosperity, and freedom to that beautiful nation.

I have had many of their children in my classes at the university. They are intelligent, hard-working students. They and their families bring new energy to our country and the country of their ancestors.

Mr. Speaker, I urge the passage of House Resolution 121.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Nebraska [Mr. BEREUTER], the distinguished chairman of our Subcommittee on Asia and the Pacific.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman from New York, the chairman, for yielding me this time.

As an original cosponsor of this legislation, I, of course, rise in strong support of it. It condemns the tragic and

unprovoked grenade attack that occurred on Easter Sunday morning at a political rally in Phnom Penh, Cambodia. The distinguished gentleman from California [Mr. HORN] is to be commended for his initiative in working with the Subcommittee on Asia and the Pacific and his earlier initiative in introducing this legislation.

Mr. Speaker, Cambodia has, of course, made tremendous strides toward democracy since the killing fields of Pol Pot and the Vietnamese occupation, but serious problems remain. There are real concerns about the deterioration of human rights problems in that country.

The most troubling in a string of recent violent incidents occurred on Easter morning, March 30, at a morning rally before the National Assembly building in Phnom Penh. Unknown assailants threw handgrenades into a peaceful rally being held by several opposition parties. Almost certainly the target of this highly coordinated attack was Sam Rainsy, the former finance minister and the leader of the opposition Khmer National Party. Mr. Rainsy escaped serious injury only because his bodyguard sacrificed his life when shielding him from the blast.

Although it is difficult to get a firm number, at least 16 individuals were killed and over 100 were wounded. One of those who was seriously wounded was Ron Abney, an employee of the National Endowment for Democracy's International Republican Institute. He was present at this rally in his capacity as an employee of the National Endowment for Democracy, and it almost certainly cost him his life. Almost. He was seriously injured.

The United States and the international community have an enormous amount invested in the peace process in Cambodia. Following the 1991 Paris Peace accord, international donors have plunged more than $1 billion into ensuring that peace and normality return to Cambodia.

House Resolution 121 sends the strong message that political violence should not be allowed to return to Cambodia. Assassinations, bombings, and grenade attacks are not acceptable forms of political expression. The political parties in Cambodia must be made to understand that they cannot go down the path of political violence. They must know that the international community will not tolerate or support parties that condone political intimidation or violence.

House Resolution 121 represents a balanced and constructive effort to advance democracy and human rights in Cambodia. I commend, as I said, the gentleman from California for introducing the legislation. He has a long and distinguished record as an advocate for basic political liberties. It is this Member's understanding that the gentleman from California will be working with the National Endowment for Democracy as an election observer in the upcoming election in Cambodia. While such activities can be arduous, it is nevertheless extremely important, particularly in a country such as Cambodia that has such a fragile democracy.

This Member also thanks the distinguished chairman of the Committee on International Relations, the gentleman from New York [Mr. GILMAN], for moving this initiative in such an expeditious manner. While the committee's schedule has been hectic, the gentleman from New York has been very gracious in addressing special concerns, such as the resolution before the body today.

I thank the distinguished ranking member of the committee, the gentleman from Indiana [Mr. HAMILTON], for his support, as well as my ranking member on the Subcommittee on Asia and the Pacific, the distinguished gentleman from California [Mr. BERMAN].

Again, Mr. Speaker, I commend the careful attention of the distinguished gentleman from California [Mr. HORN] on the events in Cambodia and his initiative in sponsoring this resolution. I urge support of House Resolution 121.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois [Mr. PORTER], one of our leading advocates of human rights and a cochairman of the Human Right Caucus in the Congress.

Mr. PORTER. Mr. Speaker, I thank my friend from New York for yielding me this time and for those kinds words.

Mr. Speaker, I rise today to commend my colleagues for their efforts to call attention to the deteriorating political situation in Cambodia. Democracy is new in Cambodia and it is extremely fragile. The political violence that has again flared up in recent months has shaken an already unstable situation in this long-suffering nation.

The people of Cambodia have endured the brutality of the Khmer Rouge and the neglect of the international community. Now they are struggling with perhaps their greatest challenge, the effort to bring lasting peace and democracy to their country.

The deadly Easter Sunday attack on Sam Rainsy and the Khmer National Party shattered a peaceful demonstration in front of the Cambodian National Assembly. The wounded and injured were described in detail by the gentleman from Nebraska [Mr. BEREUTER] in his remarks. I might say, however, that Mr. Rainsy is convinced that persons in the government, specifically Second Prime Minister Hun sen, colluded in the attack. I hope, Mr. Speaker, that he turns out to be wrong in that assessment.

This attack represents an affront to justice, peace, the rule of law, democracy, and the desires of the Cambodian people for these ideals to take root in their country. The KNP organized this rally to call attention to the need to strengthen the rule of law and reform the Cambodian judiciary. How ironic it would be if there were no justice for the victims.

Such actions of terror and cowardice threaten to undo a $2 billion United Nations-led national reconciliation effort sponsored primarily by the United States. The KNP is a leading pro-democracy party, and they are working with other like-minded political parties to ensure that the national elections this year secure the gains that this international involvement has brought.

If acts of political violence go unpunished, the enemies of peace and democratic transition will be rewarded. This cannot be allowed to happen. Cambodia cannot be allowed to sink back into the horrible lawlessness from which it recently emerged. I am, therefore, pleased to join my colleagues in calling on our Government to offer assistance in bringing the perpetrators of this heinous crime to justice and in urging the prime ministers of Cambodia to take advantage of U.S. technical expertise.

Our Federal law enforcement agencies have the know-how to conduct a comprehensive investigation. I hope that the Cambodian Government will accept our help. Such a move would send a clear signal that they are serious about stopping political violence.

In addition, the Congress should call on all parties to vigorously renounce political violence and reaffirm their commitment to free and fair elections.

I have recently been to Cambodia, Mr. Speaker, and I do not underestimate the many hurdles to democracy in that country.

□ 1300

However, I have also seen the spirit of the Cambodian people and I know of their strong desire for a better future. I can assure the Congress that we have an extraordinary and energetic U.S. Ambassador, Kenneth Quinn, who is doing an outstanding job working with all parties in all segments of Cambodian society to build the institutions of democracy and the elements of civil society in this fragile country for which we have so much moral obligation.

We cannot tolerate political violence or intimidation. The people of Cambodia deserve the opportunity to choose their future without fear. I commend this resolution and the leadership of the gentleman from California and the chairman of the committee and ranking member to all the Members and urge their support for it.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my friend, the gentleman from Indiana [Mr. HAMILTON], for yielding.

Mr. Speaker, I rise to commend the distinguished gentleman from California [Mr. HORN] for bringing this issue to our attention. I am fully in support of his efforts, and I want to identify myself entirely with the words of my distinguished Republican cochairman of the Congressional Human Rights Caucus, the gentleman from Illinois [Mr. PORTER].

It is absolutely critical that we prevent Cambodia from sliding back into violence, dictatorship, human rights violations, and terrorism; and every effort should be made, with the assistance of all of our appropriate agencies, to bring the perpetrators of this outrage to justice.

Mr. HAMILTON. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the resolution, House Resolution 121.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Resolution 121.

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

There was no objection.

REAFFIRMING COMMITMENT OF UNITED STATES TO PRINCIPLES OF THE MARSHALL PLAN

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res 63) expressing the sense of the Congress regarding the 50th anniversary of the Marshall plan and reaffirming the commitment of the United States to the principles that led to the establishment of that program.

The Clerk read as follows:

H. CON. RES. 63

Whereas on June 5, 1947, in a speech at Harvard University, then-Secretary of State George C. Marshall proposed the establishment of a joint American-European program to provide assistance, "so far as it may be practical for us to do so," to assist the countries of Europe to recover from the devastation of World War II, and that program was subsequently called "The Marshall Plan" in recognition of the pivotal role of Secretary of State Marshall in its establishment;

Whereas then-President Harry S Truman had earlier enunciated the principle of assisting democratic countries which faced the threat of communist aggression and thus laid the foundation for the Marshall Plan with the "Truman Doctrine" which provided economic and military assistance to Greece and Turkey, and this farsighted policy represented a reversal of longstanding United States policy of avoiding peacetime involvement in foreign military and political affairs;

Whereas the Marshall Plan was developed, refined, and enacted with the broad bipartisan involvement of the Congress of the United States, including in particular the efforts of Senator Arthur H. Vandenberg of Michigan and Congressman Christian A. Herter of Massachusetts;

Whereas the Congress provided an estimated $13,300,000,000 to assist the sixteen European countries which participated in the Marshall Plan during the four-year period of its existence, and this material contribution represented a significant sacrifice by the American people;

Whereas the assistance provided under the Marshall Plan served to "prime the pump" to stimulate the economies of the participating European countries and resulted in an average growth of 41 percent in industrial production and an average growth of 33.5 percent in per capita gross national product during the four years of the program;

Whereas the spectacular economic revival of the countries of Western Europe would not have been possible without the creativity, technical skills, managerial competence, and hard work of the European peoples; nevertheless, the Marshall Plan was a vital element in assisting the European peoples in the postwar economic recovery;

Whereas the multinational economic cooperation required and encouraged by the Marshall Plan was a significant impetus in fostering transnational European economic cooperation and unity which ultimately helped to pave the way for the North Atlantic Treaty, in developing the multifaceted relationship between the United States and the countries of Europe, and in contributing to the establishment of the European Union; and

Whereas 1997 marks the 50th anniversary of the original speech by Secretary of State George C. Marshall calling for the establishment of the Marshall Plan: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) urges all Americans on the 50th anniversary of the Marshall Plan to reflect upon the significance of this program as a concrete embodiment of the commitment of the United States to fostering peaceful relations with the economic prosperity of the countries of Europe;

(2) reaffirms the commitment that was expressed in the original Marshall Plan ("Economic Cooperation Act of 1948," sec. 102, Public Law 80-472) was enacted—namely, that "intimate economic and other relationships exist between the United States and the nations of Europe," that extensive and friendly relations with the nations of Europe and with the community of European nations is vital to the promotion of "the general welfare and national interest of the United States" and that the prosperity and security of Europe are essential to "the establishment of a lasting peace"; and

(3) acknowledges and commends the efforts of those countries which originally participated in the Marshall Plan to assist the countries of Central and Eastern Europe and the newly independent republics of the former Soviet Union in their efforts to develop market economies and democratic political systems as a reflection of the same generous spirit that motivated the people of the United States to help these Western European countries fifty years ago.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, this timely resolution draws our attention to the 50th anniversary of the Marshall plan which will be celebrated on June 5. It reminds us of the grand commitment made by Secretary of State George Marshall and President Harry Truman, supported by a farsighted bipartisan group of Congressmen and Senators. It was this commitment that made possible the economic prosperity which we have now come to take for granted in Western Europe and allowed democratic institutions to develop and thrive.

Most importantly, it allowed the peoples of Western Europe, who are now our closest allies, to emerge from the ashes of the Second World War and to rebuild their lives anew.

As we reflect back on those troubled and uncertain times that followed the end of World War II, we should renew the commitment to the principles that underlaid our actions at that time, and remember that there remain people in Central and Eastern Europe as well as the former Soviet Union who were prevented from benefiting from the Marshall plan, and who now look to us to do for them what was done for the Europeans some 50 years ago.

Fortunately, today it is not up to our Nation alone to perform that task, a task made even more daunting by the legacy of the Communist system that prevailed for all the years that Western Europe was developing and getting back on its feet. Today we can count on the support of those very same nations that benefited from the vision that gave birth to the Marshall plan to do for the New Independent States what was done for them half a century ago.

This resolution rightfully acknowledges and commends the efforts of our friends and allies to assist the newly independent nations of Central and Eastern Europe and of the former Soviet Union to develop free market economies and democratic political systems.

I want to commend the gentleman from California [Mr. LANTOS] for his good work in seeing to it that we accord this important anniversary its due recognition, and I am pleased to have

been an original cosponsor of this resolution. I also commend our ranking minority member, the gentleman from Indiana [Mr. HAMILTON] in helping us bring this measure to the floor at this time. I ask the House to lend itself unanimous support to this measure.

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

Mr. HAMILTON. Mr. Speaker, I yield myself such time as I may consume and I rise in support of the resolution.

Mr. Speaker, I simply want to underline the importance of commemorating the 50th anniversary of the Marshall plan. The Marshall plan laid the groundwork for the strong and close postwar political, economic, and military relationship between the United States and Europe. And, of course, that relationship remains the cornerstone of our security policy today.

I think, without any question, the Marshall plan was one of the greatest events in American political history and American diplomatic history. I want especially to thank my friend and colleague from California, Mr. LANTOS, for his leadership and for his foresight in bringing this resolution before us. And of course, I am grateful to the gentleman from New York [Mr. GILMAN] and the other cosponsors of House Concurrent Resolution 63, but it is really the gentleman from California [Mr. LANTOS] who deserves the chief credit, I think, for bringing this resolution forward.

It is a very important resolution. It not only underscores the close transatlantic relationship that exists today, it comes at a time when many Europeans are anxious to underscore the importance of the transatlantic tie, at least as we talk about the enlargement of NATO and some of the concerns that our European friends have about the growing isolationist tendencies in this country and in the Congress.

It is also important, I think, that we express our support now for the aspect of the resolution calling for efforts by the European beneficiaries of the Marshall plan to turn now to help the emerging democracies in Central and Eastern Europe. This is an important resolution, and I urge its support.

Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LANTOS].

Mr. LANTOS. Mr. Speaker, I want to thank my friend from Indiana, Mr. HAMILTON, for yielding me the time, and I want to thank the distinguished gentleman from New York, Mr. GILMAN, and the distinguished Democratic ranking member, Mr. HAMILTON, for supporting my resolution.

Mr. Speaker, the end of the Second World War found Europe at a hinge of history. And had it not been for the Marshall plan and related events, the whole history of mankind during the last half century and beyond could have turned out in a totally different and in a totally ugly fashion.

The Soviet empire was ready to expand its control and influence beyond Eastern and Central Europe to Western Europe, and it was the incredible vision and courage and determination of U.S. bipartisan foreign policy leadership that stood in the way. It began with President Truman's enunciation of the Truman Doctrine, which provided economic and military assistance to Greece and Turkey at a most critical moment, followed by, 50 years ago this summer, the historic remarks of Secretary of State Marshall calling for the nations of Europe to come together, rebuild their devastated economies, and forge the framework for political democracy.

I was a young student in Budapest at that time, Mr. Speaker, and it was my privilege on Radio Budapest to call on the Government of Hungary to join the Marshall plan because the Marshall plan was open to the countries of Central and Eastern Europe. But of course, the Soviet Union vetoed any such attempt. And we have seen over the last half a century a differential development in Europe, spectacular economic growth in Western Europe, and devastation, destruction and backwardness in Central and Eastern Europe until the collapse of the wall in the last few years.

I think it is important to underscore, Mr. Speaker, that in today's dollars, the Marshall plan represented a commitment of some $135 billion by the United States to help the Nations of Western Europe to rebuild their economies. This was the largest philanthropic enterprise in the history of the world. We went in to do good, and we did well.

Europe's prosperity contributed enormously to our own prosperity. And Europe's ability to develop Democratic societies has enabled us first to prevent Soviet expansion and, with the creation of NATO, to see the disintegration of the Soviet empire.

We now are at phase 2. We are now asking the question, are we going to have anywhere near the comparable, vis-a-vis Central Europe, Eastern Europe and the former Soviet Union, to see to it that these countries and these peoples will also have the opportunity of developing viable economies and strong and Democratic societies.

This is the opportunity for our Western European friends to show a forward-looking outlook with respect to the European Union to open up the European Union to the countries of Central and Eastern Europe, just as we provided the Nations of Western Europe with the aid and assistance to rebuild their economies.

It is our joint opportunity, Mr. Speaker, to see to it that as the various countries of the region qualify for NATO, we in fact open the doors of NATO so we expand the arena of peace, stability, democracy, and respect for human rights throughout the European Continent.

Mr. Speaker, I think it is extremely important to underscore that while in 1947 we were a country enormously limited in resources, we had unlimited vision on the part of our political leadership, and what we have to hope for now is that our political leadership on a bipartisan basis recognizes the same opportunities with respect to Central and Eastern Europe and the former Soviet Union that the leadership 50 years ago recognized in the Marshall plan.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Texas [Mr. PAUL].

Mr. PAUL. Mr. Speaker, I rise to make some comments about the Marshall plan because my interpretation is somewhat different than the conventional wisdom of the past 50 years.

I happen to believe the understanding of the Marshall plan is probably one of the most misunderstood economics events of the 20th century. The benefits are grossly overstated. The Marshall plan through these many years has been used as the moral justification for all additional foreign aid. And once I hear it, I assume we are on the verge of extending and expanding our foreign aid overseas.

When we look at the total amount of money that flowed into Europe following World War II, the amount that came from the American taxpayers was not large. The large amount came from corporations and investors who believed that Europe would be safe and secure, so the large number of dollars then flowed into Europe.

It was interesting that the conditions were improved in Europe not so much because of America but sometimes in spite of America, because many of our economists went to Europe at this time and advised them that the most important thing that they do, especially in Germany, was to maintain price controls. Here in this country we did not learn, and hopefully we have finally learned the lesson, but we had not learned until at least 1971 that wage and price controls were not a good idea.

□ 1315

Yet Ludwig Erhard at that time defied the strong advice by the American advisers and took off wage and price controls, kept taxes low, kept regulations low, produced political conditions which were very conducive to investment, and this is what caused the real recovery in Europe.

Political assistance, funds flowing into a country through political maneuvers, are never superior to those funds that flow into a country for reasons of the political stability. Because Europe did invite capital, this was the real reason why Europe recovered.

Foreign aid is used frequently throughout the world to help people.

But if we look at Zaire and Rwanda and the many countries of the world, foreign aid has really been a gross failure. As a matter of fact, it does harm because it encourages the status quo. The market is much smarter than we as politicians, because if the market and the political conditions are not right, that country that wants capital must improve those conditions to invite the capital. A good example might be in Vietnam at the current time. They changed their conditions to invite capital. So there must be an incentive for those countries to change their condition.

Foreign aid very often and very accurately, I believe, is a condition of taking money from the poor people in a rich country and giving it to the rich people of a poor country. I think there is a lot of truth to that, because the burden of taxation and inflation and the many things that our average citizen and our middle-class citizen suffer comes from overexpenditures and good intentions whether they are here at home or overseas. We believed at that time, and strongly so, I guess, still, that the government's responsibility, whether it is through government expenditures or through the inflationary machinery of the Federal Reserve, that if we stimulate an economy, if we prime the pump, so to speak, that we can stimulate the economy. This was the argument after World War II, that we would prime the pump. That is not a free market notion, that is a Keynesian notion. There has been no proof that this is beneficial. Really what counts is a sound currency. Germany after World War II and even to this date is known to have a harder and sounder currency than any other currency in Europe. Political stability is what is necessary, not taking money from taxpayers of one country and shifting it to another one.

Foreign aid very often, not so much the foreign aid that went to Europe, and I would grant my colleagues, the other conditions compensated and did not allow the foreign aid to be damaging so much as the foreign aid, say, to a country like Rwanda. That was so destabilizing, because the politicians get hold of the money and they use it for political reasons. Money to help a country must go in because conditions are beneficial, that encourage investment, that encourage the market to work.

Mr. Speaker, I would argue that there is a different interpretation, but I know that the support for this measure is justified.

Mr. LANTOS. Mr. Speaker, I yield 3 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, I cannot help but respond to my colleague's comments. While I think he is well-intentioned, there are some issues that I think have to be addressed.

The United States, at the end of World War II, spent $16 billion in 1950's dollars in western Europe because we understood that while the best avenue may be the private-sector initiatives and other issues at hand, the reality was that without that economic assistance, there was a danger that western Europe would destabilize and that much of it would be taken over by Soviet influence. We recognized that short-term expenditure was the right thing to do for human rights, for economic opportunity, for political rights. I think to say that that model only worked about one time in history frankly does not meet the historical test.

If we take a look at the countries that are our biggest purchasers of grain products today, they are many of the countries that started off under a PL–480 program. To argue that there are still some countries in the world that have not recovered is not, frankly, an astounding argument. When we look at any program, it works best on certain areas, and other areas are more difficult to get to. It does not mean that there is not a benefit to us in that area.

Let me finish with these two points, and I will yield to the gentleman from Texas.

That is, every place we have played a major role in establishing democratic governments, governments that respect human rights, not only have we done the right thing, we then turn out to have the best markets there; but it has taken a cooperation between government and the private sector, and we cannot do it without both.

I would say the same thing has happened in agricultural sales: that in the countries where we have provided the most generosity of the American people to providing assistance, those are the countries that have turned out to be the largest purchasers of American agricultural products, which helps our trade balance immensely.

Lastly, I would say that if the gentleman thinks the tax burden in this country is distributed badly, I agree with that. Let us vote for a progressive tax. There is a very easy solution to that.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. GEJDENSON. I yield to the gentleman from Texas.

Mr. PAUL. Mr. Speaker, I would vote to change the taxes, but mainly to lower them for everybody. The point that I am trying to make is that the large amount of capital that helped Europe recover did not come from the taxpayers. That was a small amount. There were a lot of other investors that went into Europe. The key reason was the political stability and the good economic climate which Erhard helped to introduce. I think that is much important.

There is a difference between what happened in Europe versus the waste that we had in Rwanda. We did not do the people, the poor people of Rwanda, very many favors by sending money down there that became a political weapon to suppress the poor.

Mr. LANTOS. Mr. Speaker, I yield myself such time as I may consume to respond to some of the observations the gentleman from Texas made.

I think the gentleman from Texas is correct in recognizing the importance of private investment flows to Europe. I think they played an absolutely critical role in European recovery. But I wonder whether he would not agree with me that without creating the framework of political stability, military security, the rebuilding of the infrastructure, the absolutely indispensable achievements of the Marshall plan, none of that capital would have flowed into Europe.

I was in Europe in 1945 and in 1946 and in 1947 and it was a continent of devastation, destruction, hopelessness and despair. No American company was interested in investing in a battlefield, which Europe was at the end of the Second World War. It was the creativity and the vision of American political leadership on a bipartisan basis that created the framework for all of the subsequent investments and trade which flowed after the basic preconditions were created by the Marshall plan.

My friend from Texas should rejoice with us that this was a shining moment of American history. It was one of the most beautiful moments of American history when we went in to do good and succeeded in doing well for us and for our European friends.

I do not see any point in diminishing this achievement of President Truman and Secretary of State Marshall and Senator Vandenberg and Congressman Christian Herter, who served in this body and who as a Republican did so much to support these measures. When the history of this century is written, there will be a shining moment of American bipartisan political leadership which is represented as we celebrate it with the Marshall plan.

What is called for now is a recognition that the Marshall plan, because of Soviet occupation of central and eastern Europe, could only do half the job. It could only do the job in western Europe. We along with our European friends now have an opportunity to complete the job.

Mr. PAUL. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from Texas.

Mr. PAUL. I thank the gentleman for yielding.

Mr. Speaker, I think that there could not be an argument made that every dollar that we sent to Europe did not have some beneficial effect. Quite possibly it did. But my point is that if

that money from the taxpayer had not been sent, there is nothing that says it might not have been sent through the investors, but it depended on the political climate and what they did. I do not want to deemphasize that. That is the important reason why this foreign aid was not as harmful as it usually is, and it had some benefits, mainly because of the political climate.

Mr. LANTOS. If I may reclaim my time, not only was it not harmful, it was the inevitable precondition of development. The gentleman should be open-minded enough to admit that this was an enormously statesmanlike and incredibly successful measure, and I have difficulty visualizing the need 50 years later, looking at a success story, trying to denigrate it.

Mr. Speaker, I yield back the balance of my time.

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

I want to thank the distinguished gentleman from Texas for his important, constructive contributions to this debate. I would like to note to our colleagues, in our proposed Foreign Policy Reform Act, we are trying to move from government-to-government aid to aid that benefits the private and voluntary sectors. We are involved in trying to reform foreign aid and to encourage and stimulate private investment in the developing world.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 63.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the concurrent resolution just agreed to.

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

There was no objection.

PROVIDING FOR CONSIDERATION OF H.R. 408, INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

Mr. HASTINGS of Washington. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 153 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 153

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Resources. After general debate the bill shall be considered for amendment under the five-minute rule. In lieu of the amendment recommended by the Committee on Resources now printed in the bill, it shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute printed in the Congressional Record and numbered 1 pursuant to clause 6 of rule XXIII. That amendment shall be considered as read. Points of order against that amendment for failure to comply with clause 7 of rule XVI are waived. No amendment to that amendment shall be in order except the amendment printed in the Congressional Record pursuant to clause 6 of rule XXIII, which may be offered only by Representative Miller of California or his designee, shall be considered as read, shall be debatable for one hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

□ 1330

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). The gentleman from Washington [Mr. HASTINGS] is recognized for 1 hour.

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

Mr. Speaker, yesterday the Committee on Rules granted an unusual request from the Committee on Resources. As my colleagues know, under the gentleman from Alaska [Mr. YOUNG], the Committee on Resources has typically brought its bills to the floor under open rules. However, in the case of H.R. 408, certain provisions of which also fall under the jurisdiction of the Committee on Ways and Means, special circumstances clearly warrant granting a modified closed rule.

H.R. 408, the International Dolphin Conservation Program Act, essentially codifies an international agreement between 12 nations known as the Declaration of Panama. Were the House to make any significant changes to H.R. 408, this historic agreement would be lost.

Mr. Speaker, it is worth noting that the negotiations that produced this agreement could serve as a model for environmental policymaking on many other issues because virtually every important viewpoint on the tuna-dolphin debate was represented at the table. These negotiations not only involve the governments of 12 nations, but also include key representatives from both the environmental community and the fishing community.

As a result, Mr. Speaker, it is an agreement that enjoys unusually broad support from Vice President AL GORE to the Committee on Resources chairman, the gentleman from Alaska [Mr. YOUNG], from Greenpeace to the American Sports Fishing Association, and from the Tuna Boat Owners Association to the labor unions whose members work on those boats. The broad support was most visibly demonstrated on July 31 of last year when the House passed an almost identical bill by an overwhelming bipartisan majority of 316 to 108. Clearly the time has come for the United States to ratify this important measure without further delay.

For that reason and in recognition of the delicate nature of this international agreement, the Committee on Rules has reported a modified closed rule that allows for an up or down vote on the bill.

The bill provides that in lieu of the Committee on Resources amendment, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 shall be considered as the original bill for the purposes of amendment, and said amendment shall be considered as read.

The rule further provides for the consideration of an amendment printed in the CONGRESSIONAL RECORD to be offered by the gentleman from California [Mr. MILLER]) or his designee. Finally, the rule, which was agreed to in committee by voice vote without dissent, also provides for one motion to recommit, with or without instructions.

Mr. Speaker, Members who are committed to protecting the dolphin populations in the eastern Pacific will agree that it is vital that we move forward with this legislation. During the coming debate, we will hear differing viewpoints on how this legislation may impact dolphins, but keep in mind that the Clinton administration's experts, our own Committee on Resources and a wide variety of environmental organizations all believe that this bill will save dolphins' lives and that it will also do so in a more effective way than current law will.

H.R. 408 backs up that claim by mandating that every tuna boat operating in the eastern Pacific carry an observer to certify that not a single dolphin was killed when the tuna nets were hauled up. Even one dolphin death would prevent the entire catch from being sold in the United States as dolphin safe. Under today's standards American consumers do not have this kind of guarantee.

However, this proposal is not just about saving dolphins; it is about preserving other endangered marine species, such as sea turtles as well as billfish and juvenile tuna. Those of us who support H.R. 408 are pleased that it will address the entire eastern Pacific ecosystem as a whole and not just one aspect of it.

Simply put, Mr. Speaker, Members desiring to protect dolphins, sea turtles and other important marine life should support this rule to pass the International Dolphin Conservation Program Act.

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

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

Mr. Speaker, I do not oppose this rule, but I do have some reservations about the legislation that the rule would make in order.

The public outrage at the high level of dolphins slaughtered by tuna fishing fleets in the eastern Pacific was so strong that in 1990 the U.S. tuna canning industry announced a voluntary policy of refusing to purchase tuna caught by harming or killing dolphins. This voluntary policy led to the now well-known dolphin safe label found on cans of tuna that are sold in the United States. Under the current statutory definition of dolphin safe, which was supported by the Bush administration and virtually all environmental organizations when it was enacted in 1990. No tuna product can be labeled dolphin safe if caught by chasing, harassing or netting dolphins. But Mexico and other Latin American countries who are eager to gain access to our billion-dollar American tuna market have protested that the labeling practices constitute a trade barrier.

So to accommodate those nations H.R. 408 would change our definition of dolphin safe upon which American consumers have relied for years. Under the new definition included in this bill dolphins can be injured, chased, and netted without limit in the course of catching tuna which, will then be stamped deceptively with the dolphin safe label and sent straight to the American grocery store shelf. Essentially, the law would dupe American consumers into purchasing canned tuna stamped with the same dolphin safe label that they are accustomed to, but under a definition that is much weaker then the current one.

I remember the debate on GATT and NAFTA, and what is on the floor today is what we were promised would not happen. U.S. consumer and environmental laws are being bargained away to satisfy the demand of other nations for access to our markets. This legislation will overwhelmingly benefit Mexico and other foreign tuna fishermen who want to skirt the current requirements for selling their tuna illegally on our shelves, and it undercuts United States tuna fishing fleets who have been complying with the law.

At its heart this is not a dolphin conservation measure. We know it is not because it doubles the number of dolphins permitted to be killed. Even the National Marine Fisheries Service reports that the two dolphin stocks most frequently chased and netted during tuna fishing are at 20 percent or less of their original sizes, and neither of those dolphin stocks is increasing.

H.R. 408 is a convenient means of ending a trade dispute with Mexico and other Latin American countries at the expense of the American consumer and our environment. My real concern is the precedent the bill would set. Enacting it sends a message to any foreign trading partner that this Congress is willing to sacrifice U.S. consumer and environmental protection legislation in the name of multilateral trade agreements and that our domestic laws can simply be negotiated away.

Mr. Speaker, this is a wrong message. I am having a hard time swallowing the argument that this agreement is our only option to avoid a showdown between Latin America and the United States at the World Trade Organization. Congress is being told by the administration and Mexico to take it or leave it. Surely a compromise could have been reached that protected the integrity of the U.S. consumer and environmental laws by still allowing trade with their neighbors.

While I will not oppose the rule, I do urge my colleagues to oppose the underlying bill, H.R. 408, and in addition I urge my colleagues to defeat the previous question. If the previous question is defeated, I intend to offer an amendment that would require the House to consider campaign finance reform before Memorial Day, May 31, so that a final campaign finance reform bill can be sent to the President Clinton before July 4, and I would like to use this opportunity to again raise the issue of why the majority has yet still to hold any hearings or markups on campaign finance reform. Fifty-eight bills have been introduced in the House, 1 of which is my own, to provide free television time, and yet all 58 of these campaign finance bills languish in committee.

Mr. Speaker, there is simply no excuse for this Congress' continuing failure to take action on this issue. The leadership of this House owes it to the voters of the Nation to seize the opportunity before it and to enact responsible campaign reform, and I hope my colleagues will join me in opposing the previous question and opposing H.R. 408.

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

Mr. HASTINGS of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from Florida [Mr. GOSS].

Mr. GOSS. Mr. Speaker, I thank my friend the gentleman from Washington [Mr. HASTINGS] for yielding me this time, and I am pleased that the House is again turning its attention to the issue of dolphin safe tuna. That actually is the subject today, the question of dolphin safe tuna and better protection of dolphins. That is on the schedule, and that is what we are going to debate because the rules of the House say that when we are going to debate a subject, we are supposed to stick to that subject. So while there are many other subjects we could talk about today, this is the moment that we have set forth in the Committee on Rules, in I think, a very fair and appropriate rule, to talk about ways to improve protection for dolphins who are senselessly slaughtered as part of a fishing process that caused international outrage a few years ago.

This debate is a very important one for the environmental community and the business community and for me especially as a Representative from southwest Florida, which is a true paradise for people and for dolphins as well.

In 1992, I was a member of the Committee on Merchant Marine and Fisheries that we had in those days, and I helped push for the successful passage of the Dolphin Conservation Program Act. That was in response to the outrage of the senseless killing of dolphins as by-catch in the fishing process.

We came up with a good solution. Over the last 5 years we have made real progress in lowering dolphin mortality. Something like 25,000 we knew of were being killed a year. We are now down, I am told, to 5,000. That is still a high number, but it is a huge improvement. But there are still a few lingering problems with the current law that we passed, and the bill under consideration today provides the United States the opportunity to address some of those problems while implementing stronger protections for dolphins and other endangered species, and that is what we are doing here; we are making sure we are doing the right job in terms of protecting endangered species.

First let me commend the gentleman from Maryland [Mr. GILCHREST] and the others for their work on this bill. They have been out there doing the hard work while others have been doing the complaining and the talking to the press, and they have come up

with a pretty good solution. We have got some environmental legislation here that is difficult to craft, but we have got a bill that is actually strongly supported both by environmental organizations and by business, in this case the tuna industry, and it is supported by the Vice President, Vice President GORE, and the gentleman from Alaska [Mr. YOUNG], and those represent fairly diverse views on how we deal with the environment.

Under current law to receive the dolphin safe stamp of approval requires only that the tuna was caught using fishing practices generally considered safe for dolphins. That does not mean they were safe; it is just that somebody got away with saying they were considered safe. We were measuring what we thought might be an expectation, and when we looked at the outcome, we decided we could do better, and hence this bill today. Whether the dolphins are actually killed during the catch is what matters, and we think we have a better way to stop that senseless death.

H.R. 408 tightens the dolphin safe definition to require that no dolphins are killed, a standard that will be enforced by having an observer on each fishing boat observing every catch, and if even one dolphin death happens in a catch, that would prevent the whole catch from being sold in the United States as dolphin safe. The United States is a very lucrative market, much sought after, so that is a very important consideration. Clearly it is also a more stringent standard and one we should all be able to agree on today.

Another issue of particular importance to me is by-catch. When sea turtles and other nontarget species are caught and die in fishing nets, it is called by-catch. We have made real progress towards reducing this wasteful practice in the Magnuson bill last year, and I am pleased H.R. 408 will help reduce what is a very real problem still of wasteful by-catch.

Some have expressed concern about this bill in relation to trade, to NAFTA or GATT. At the outset let me say that I too have some concerns about trade issues, particularly in Florida, about questions of enforcement in NAFTA. But I am convinced that this bill has little to do with the trade issue. If my colleagues will excuse the word, it is a red herring and does not impinge upon U.S. sovereignty.

H.R. 408 implements more stringent protections for dolphins and marine life in the eastern Pacific. If we want to protect dolphins, sea turtles, and other marine life, we should support this rule and vote for H.R. 408. I think it does the job very well, and that is the job we are here to do today.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan [Mr. BONIOR].

□ 1345

Mr. BONIOR. Mr. Speaker, I thank my colleague from New York [Ms. SLAUGHTER] for yielding me this time.

Let me begin by saying that I am going to support the gentlewoman from New York in her efforts to get the previous question defeated so that we can offer an amendment so that we can get a debate on campaign finance reform in this Congress.

It will be the fifth time in this Congress Democrats are demanding that we vote on campaign finance reform, and we will try to defeat the previous question to get that done. We have had campaign finance reform votes on January 7, March 13, April 9, and April 16, and not one of my colleagues on the other side of the aisle has joined us in support of creating a day when we can have the debate on a very important issue that this country is yearning to hear about.

Our way of financing political campaigns in this country is broken. Everybody knows it. We all labor through an elaborate series of hurdles and meetings and fund raisers just to stay above water in order for us to compete politically, and it is eating up our time. It is eating up our resources. It is wasting the country's energies. It is creating a situation in which scandal after scandal on both sides of the aisle appear daily in our newspapers and on our radio and television sets.

I think the American people have had it. They want a full-blown debate on how best to fix this. Now, we know there are many parts. There is a constitutional part that is involved here, there is legislative, probably some regulatory things we can do, but we all ought to have it out. We ought not to hide behind a system that is not working. Some of our colleagues in this body have to raise as much as $10,000 a day in order for them to be viable politically. That is outrageous.

We have just seen or come through an election in Great Britain where very few dollars are required to run for political office. We are watching the Canadians now in their parliamentary elections right across from my district, the same situation. The Irish will have one soon. And yet here we are, spending upward of $1–$2 million per individual on congressional races. We need to change the system. And the other side needs to participate in that debate.

Although some have proposed spending even more on campaigns on this side of the aisle, the American people think just the opposite. Nine out of ten believe too much money is being spent on political campaigns today. So we need to fix the system, to get the money down, to set limits, to stop the negative advertising, and to get Americans voting again.

Somewhere along the line our Nation's political discussion got disconnected from the American people. They no longer see a link between their lives and politics, between their work and the economy, between their community and the challenges that we face as a country. We need to have a debate about the fundamental nature of politics in this country, and we should not be afraid to have it.

So I am calling on the leaders on the Republican side, the Speaker and the other leaders. Set a date. We have asked for May 31. That is obviously not going to happen. Now we want to have that debate to meet the President's expectations on the Fourth of July.

It is no secret why some on this side of the aisle do not want to have that debate. They have huge, wealthy donors that contribute enormous amounts of money, mostly from the business community. They outspent the labor community seven to one in this last election. The Washington Times, according to an article on April 9, said this: Those wealthy contributors have told the Republican leadership they can forget about more money for the Republican Party unless tax cuts are enacted.

Just last week, before thousands of wealthy contributors who gave as much as a quarter of a million dollars to attend a dinner, a leader of the Republican Party asked the assembled crowd to imagine Democrats in charge of Congress. And then he said, and I quote: Whatever you have donated, worked for or given to avoid that alternative is a token of what it has saved you. It is a token of what it has saved you.

Well, it does not take an Einstein to read between the lines there. Money is eating at the heart of the system. Vote "no," vote "no" on the previous question so we can get a debate on this floor on the alternative.

Mr. Speaker, I want to compliment the gentlewoman from New York. She has offered an alternative. She has an alternative that will open up our airwaves, the airwaves that we pay for so we can get on and we can campaign and we can get our messages out to the American people. It means taking on the broadcasters, but they are our airwaves. I want to compliment her for doing that.

I want to compliment the gentleman from California [Mr. FARR] for his bill. I want to compliment my Republican colleagues who have a disclosure bill. I do not agree with it, but they need to have that opportunity to have the debate on the disclosure bill. I want to compliment the gentleman from Massachusetts [Mr. MEEHAN]. He has a proposal which I agree with in many respects but have some disagreements with.

We ought to have it all out. We ought to have some debate. There are too many good ideas that are sitting, wasting away. The American people want this debate, our system demands it, we ought to clean up politics in this country and get on with campaign finance reform.

Mr. HASTINGS of Washington. Mr. Speaker, I yield as much time as he may consume to the gentleman from New York [Mr. SOLOMON], chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank my friend from Washington for yielding me the time. I remind my colleagues we are debating a rule for the International Dolphin Conservation Program Act. This was a noncontroversial rule until my colleagues on the other side of the aisle decided to take this time to discuss unrelated issues. And certainly the speaker that just preceded me is a former member of the Committee on Rules, he is also one of the most intelligent Members of the Congress. He is in the Democrat leadership and he knows the rules of the House. The rules of the House prohibit the discussion of unrelated matters when discussing a rule.

However, since they have done that, Mr. Speaker, I guess I could have objected to it and made a point of order, but I think rather than do that, let me just participate in this nonrelated issue which we should not be discussing on the floor.

The previous speaker made some reference to contribution dollars coming from labor and contribution dollars coming from big business from the corporate sector. Well, let me just remind the gentleman that it is illegal to accept any kind of money from corporations or companies that are incorporated in this country. I do not think any of us do. And if any of us do that, we ought to be brought up on ethics charges and FEC violations by the FEC. The previous speaker who just spoke, and I happened to look at his financial filing the other day, and he receives money from labor, just like the gentleman from New York, [Mr. JERRY SOLOMON] does, this Member of Congress, and I am very proud that the workers at GE and the postal workers, the letter carriers who were just at my office a few minutes ago, make contributions into a political action committee to me to help me be reelected, and I really appreciate that.

I also have it from other employees at General Electric Co., for instance, who contribute to my campaign as well. Under the Constitution, that is absolutely legal, and the way that it should be.

The minority is attempting to defeat the previous question and offer the following so-called proposal. I think this is what it said the last time I looked at it: The House shall consider comprehensive campaign finance reform legislation under an open amendment process. And the gentlewoman from New York [Ms. SLAUGHTER], my good friend, mentioned something about before May 31, but then I hear the previous speaker, the minority whip, say something about July 1. I really think we ought to get our act together and decide which is which here.

But let me just say this, Mr. Speaker and my colleagues. There is no bill, no amendment, no text, no proposal, no idea even. This is just a lot of hot air meant to influence some people up in the press gallery or those that might be watching.

Now, having said that, I would ask my colleagues on the other side of the aisle, how would this alleged proposal address violations of existing law? Let me tell my colleagues something, that is what I am concerned about here. Does the Democratic bill that they are talking about relate at all to obstruction of justice by high-level Clinton administration officials as reported in the Washington Post? Where are these articles I just had here, and the New York Times a little while ago? Does the minority have any kind of plan that would address the daily revelations of national security breaches that threaten the security of the United States of America within the highest levels of the executive branch, according to these articles? These articles say Whitewater prosecutor finds obstruction of justice evidence. Whitewater counsel says he has evidence of obstructing justice. Whitewater grand jury term extended, cites possible obstructions of justice.

Let me tell my colleagues something, that is what the constituents I represented are interested in. They want to know where all of this money coming in from the Chinese Government into political pockets in this Congress, they want to know how that money got here and how that is illegal. Sure, if we want to get to the bottom of that, let us get it out here and let us debate it. I would challenge anyone and all of my colleagues on that side of the aisle, come on out here; we will do a special order and we will talk about it to the end.

Would the minority's proposed bill address the allegations of foreign corruptions of our national system which is being discussed across the country in the media? As I scan down the newspapers every single day, what I am confronted with, Mr. Speaker, is not a question of how the Nation should finance political campaigns but more a question of, is the White House adhering to the rule of law? That is the important thing.

The American people expect their public officials to abide by the law. Once this minimum threshold is met, then we can consider proposals to existing law.

Mr. KINGSTON. Mr. Speaker, will the gentleman yield?

Mr. SOLOMON. I yield to the gentleman from Georgia.

Mr. KINGSTON. Mr. Speaker, I thank the gentleman from New York for yielding, because I too join him in this almost fetish about creating new laws, and yet, no interest at all in enforcing the current laws, which may or may not have been broken.

I add to the gentleman's list of questions; when the Democrats talk about campaign finance reform, do they want to find out about the international contributions that were apparently illegal made to the Democrat Party and the Clinton White House? Did they influence foreign policy? I would like to know from the Democrats whether the Democrat operative, John Huang, broke campaign finance laws by fundraising when he was on the Government payroll. I would like to find out whether John Huang broke the laws by coordinating donations from non-U.S. citizens who have ties with his former employer, and with no apparent reasons, what was the pattern that they were given to the Clinton folks and the Democrat National Party?

Did Mr. Huang compromise the U.S. national security by sharing secret Government information with his former employer overseas? This is a very relevant security question. Do the Democrats want to find out if White House officials, while on Government payroll, illegally raised funds for the Democrat Party? I would like to know about the computer database at the White House. Was it legitimate or was it just there to keep track of Democrat donors?

I would like to know whether the White House improperly used the FBI, the National Security Council, or the CIA to pursue fund raising.

I think all of this is very important. I would like to know how long was the President raising money in the Lincoln bedroom, and does the President plan to continue doing this? I would like to know, if the Democrat Party took all of this money so earnestly, why have they had to return so much of it?

I believe that we have a legitimate reason to be talking about campaign finance reform, but I also think a major part of it is to talk about implementing current law. Before we go on with new grandiose plans blaming it on the system, let us talk about the current ethics situation over at the White House.

I think that, if the Democrat Party insists on ignoring these very pertinent and relevant questions, which have far more to do with national security than they do with partisan differences, then I think they are doing the country a disservice. We in this Congress have a security obligation as well as a campaign finance reform obligation.

□ 1400

Mr. SOLOMON. Reclaiming my time, Mr. Speaker, because we are running

out of time, the gentleman mentioned a name, the name of John Huang. Yes, the gentleman is right, we ought to get to the bottom of this, because this is a man who was hired at the request of the President's wife, worked for the Commerce Department, and it had at first been revealed that he had 39 classified briefings, followed up by simultaneous phone calls to an international conglomerate called Lippo, who is undermining and competing with American business and industry and jobs in this country.

Then we found out from the Commerce Department that they had held back, that it was not just 39 meetings, it was 109, and some of those were held at the White House. We are still trying to find out with whom they were held and what was discussed, and what kind of economic espionage was leaked at that time. Then just yesterday or the day before I find out it was not 39, it was not 109, it was 149, by this same gentleman that is undermining American business and industry.

What we need on this floor, and the gentleman has my commitment to get on our bill, is full financial disclosure. I want to know where that money came from, who contributed it, and then let us get to the bottom and hold those people responsible.

I would say to the gentleman, I am going to have to yield back, but if the gentleman gets his own time I will stay on the floor and I will be glad to enter into a colloquy.

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

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MCGOVERN].

Mr. MCGOVERN. Mr. Speaker, I rise to ask my colleagues to vote "no" on the previous question. I ask my colleagues to defeat this motion so we may offer an amendment that will require the House of Representatives to debate real campaign finance reform before July 4, the deadline the President gave Congress in his State of the Union address 4 months ago.

The current campaign finance system is clearly broken, and it needs to be fixed in a comprehensive way, and it needs to be fixed today. The Founding Fathers intended the loudest voices in elections to be those of the American people, not wealthy, powerful special interests. When a candidate for elected office spends 90 percent of his or her time raising money, how can they effectively address their constituents' concerns?

Unfortunately, many of my colleagues on the other side of the aisle have resisted Democratic efforts to reduce the influence of money in politics. Speaker GINGRICH has said he would emphasize far more money in the political process. In my view, that is precisely the wrong direction for us to go. There are a number of very good, comprehensive campaign finance proposals out there. While we might not all agree on every detail, I think we deserve to have a date set for discussion to begin.

What we are asking Speaker GINGRICH to do, then, is to simply give us a date certain, give us a day when we can discuss campaign finance reform. Let advocates and opponents of various proposals offer their opinions and defend their positions on that day.

I and a number of my freshmen colleagues have been pressuring the Speaker and the Republican leadership to schedule a day of debate and a vote on real campaign finance reform before Memorial Day. Memorial Day is next Monday, and guess what, no date, and there is no indication that there will be a date.

My colleague, the distinguished chairman of the Committee on Rules, said he would be willing to engage us in a special order. We do not want a special order, we want a day where we can vote on campaign finance reform.

Mr. Speaker, let us move forward and pass real, comprehensive campaign finance reform. The fact is that in view of all the campaign finance scandals that have engulfed both parties, the fact that this House has failed to act is in my view a national scandal. Vote "no" on the previous question.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Speaker, I thank the gentlewoman for yielding time to me.

I rise on this rule on H.R. 408, the bill that deals with changing the law about truth in labeling. It essentially changes the law about how we label things in America. I rise to speak against the rule, because we are refusing to change the law that allows truth in America about how we run campaigns.

The honorable chairman of the Committee on Rules just said this is a lot of hot air. The heat is being turned on because the American public wants to have campaign finance reform. The worst abuse of power about it all is when they, because they are in power, if they have the power to bring issues to the floor for debate, that is what is missing. That is why we ought to be defeating this rule, and every rule until we get a bill here on the floor, get a moment here on the floor where we can vote on choices for campaign reform.

Look at this. We have had campaign reform voted on on this floor in the last four Congresses. Every one of those has taken up campaign reform. The President for the first time came right here in this room and asked us, by July 4, just a few months from now, to have that bill on his desk, and we have done absolutely nothing about it. That is the abuse of power. That is the abuse of power.

The Republican leadership is avoiding the issue. The American public wants us to debate it, wants us to vote it, and wants us to reform it. All we are here to talk about is how we are going to take away the law about tuna in a can, how we are going to change that law, how we are going to tell people, they will misperceive, and people are not going to know whether the tuna in that can was fished safely or not, and yet we will not debate about how we are going to get people elected to the U.S. Congress.

Congress needs to confront this issue. I urge my colleagues to vote "no" on the previous question, and to insist that we honor the people of this country, that we honor the President of the United States, that we honor our own process and our own power by bringing to the floor those bills that have been introduced, all of those bills that have been introduced on campaign reform, and have an honest debate and vote them up and down. That is what we ought to be doing. Defeat the previous question.

Ms. SLAUGHTER. Mr. Speaker, I yield 4 minutes to the gentleman from Connecticut [Mr. GEJDENSON].

Mr. GEJDENSON. Mr. Speaker, my friends on the majority, the Republicans, are on the horns of a dilemma. They are trying to keep the focus on the Presidential campaign. They always forget Mr. Barbour, their chairman, who got a half a million dollars from a Chinese company. It seems clear by some of the articles that they targeted foreign money over at the RNC, they washed it through a nonprofit and sent it over to the RNC.

But we can all sit here and talk about the failures of the present system. The horns of the dilemma which they are on is while they can highlight the problem, the American people reject their solution.

The last time they brought a bill to the floor they wanted to increase the amount of money wealthy individuals could give. If Members think wealthy people do not have enough access to Government, maybe that is their solution. The American people do not believe that. They wanted to increase the amount of money you could give to parties in almost every other category. The American people do not believe that is the solution. So the reason they do not want to bring the bill to the floor is because if they bring it to the floor, the solution they present will be almost unanimously rejected by the American people.

The record here is clear. Under Democratic control this House passed campaign finance reform through the House and Senate. It was then vetoed by President Bush. With the election of President Clinton and his commitment to sign a campaign finance reform bill in the first 2 years, with a Democratic House we were able to pass the bill,

only to find it to be filibustered by the Senator from Kentucky.

Now the filibusterers are apparently in this Chamber as well. The Committee on Rules, the leadership on the Republican side of the aisle, have refused to give the Members of Congress an opportunity to bring this legislation to the floor.

If the Members were firemen on that side of the room, they would be looking at a fire saying, my, it is terrible. It is burning. It ought not to be doing that. Why do you not turn a hose on? They say, "Oh, no, we are just here to critique the present system. God forbid we should come forward with a solution."

There are solutions on their side of the aisle. The gentleman from California [Mr. FARR] has one, I have one. There may be different ways to fight a fire, but not turning the hoses on is not one of them.

In this case, we have to shut the fire of money down. The average citizen does not feel he can have an impact on a political process when he hears about a half a million dollars to the RNC or a half a million dollars to the DNC. We ought to limit contributions to $100, make every American feel like they can be empowered. We have to have a system that encourages women and minorities to have the same opportunity to run as wealthy white males.

I have nothing against wealthy white males, but they should not be the only ones represented here.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [Mr. GUTKNECHT]. If the gentleman from Connecticut [Mr. GEJDENSON] will suspend, the Chair will take the prerogative of the Chair to remind all Members that under the rules and precedents of the House, it is not in order to cast reflections on the Senate or its Members, individually or collectively.

Finally, it is not in order to refer to the President in terms that are personal.

Mr. GEJDENSON. Mr. Speaker, I thank the Chair. I think those are good rules. We are all trying to live by them.

The question is, Are we going to respond to a system that is endangering the support of the American people? When they see a half a million dollars given to one campaign or another, they feel like their involvement volunteering in a campaign, or a small contribution that an average individual could give, are meaningless.

Let us come together on this and give the country back to the people, send them the message that their volunteering in campaigns for Republicans, Democrats, or Independents is vital to the political process. Let us tell them that we are not going to have the kind of monstrous-sized checks given to political parties and candidates that make the average citizen feel like they do not count.

Let us give America back to the people of this country, and let us rebuild the confidence, not just pointing fingers at each other, where each side may have erred, but how do we fix it. That is why we are sent here. We are not just observers in a war, we are here to fight for our constituents. I believe the majority is abdicating that responsibility on this crucial issue.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 1 minute to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, we are talking about a rule here on a tuna-and-fish bill. Everyone knows there is something fishy and something wrong with campaign financing as we know it. I think this side wants to change it.

The problem is that the other side and the White House, even as we speak here today, have not done much to cooperate in the investigation to see what is wrong with current campaign financing. Even as I am here, documents are being delivered from the White House. Today we were about to question and hold in contempt the White House legal counsel because month after month they have refused to cooperate with us. They said they were going to give us documents and did not until that pressure was applied.

So we want campaign finance reform, we want to improve the system, we want to work with the other side, and we know we can and must do a better job. But we should at least have the cooperation that we have had to elicit out of the other side by force, unfortunately, today.

Ms. SLAUGHTER. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, the question that we have to ask ourselves is simply, when is enough enough? How much longer can we sit here as Members of the House of Representatives and pick up any morning paper in almost any city in the United States and read yet another story about some campaign committee, some officer of the Republican National Committee, the Democratic National Committee, the White House, the congressional campaign committees, engaging in activities either that are illegal, or have so distorted the system that those who write large checks, those who have access to money, get access to government that the ordinary citizen could never dream of.

This is supposedly the people's House. Yet we find that money, money is becoming the means of access, as opposed to your rights as a constituent to Members of Congress. Every day we see more and more decisions brought forth in the press that were distorted by money: decisions of regulatory agencies, decisions of committees, decisions of subcommittees, where money influenced the outcome of the deliberations.

The Republicans like to suggest that it is all just about illegal contributions. The tragedy at the end of all of these investigations will be that the vast amount of money that causes the distortions in the system in terms of representational government is legal. It is legal. It is legal to the extent that it is simply swamping the ability of local constituents to have a say in their election.

We need campaign finance reform. At the very beginning of this session, I and 100 of our colleagues, on a bipartisan basis, wrote to the Speaker and asked him to give us a date to bring it forth within the first 100 days of Congress. May 26 is the 100th day and he has not brought it forth. The President has asked to do it by July 4. There is no indication that will be done.

In 100 days we defeated Saddam Hussein in the Persian Gulf. In 100 days the Brits defeated the Argentinians in the Falklands. In 100 days Franklin Delano Roosevelt laid the groundwork for a New Deal.

□ 1415

In 100 days, 2 years ago we passed most of the Contract With America. In 100 days one can do great things. This House, this Speaker has chosen to do nothing in this first 100 days with respect to a cancer on the political system of American government. We need that debate on this floor. We need a wide open debate.

Our beloved former Speaker, Tip O'Neill, when asked by people, what is the greatest power that the Speaker of the House of Representatives had, he said, the power of recognition, because the Speaker controlled the agenda. If the Speaker does not recognize you, you cannot come forth on the floor.

The Speaker of this House owes it to the House and to the American people to use his power to call forth the debate on campaign finance reform and let the chips fall where they may. The investigations will continue and, as the investigations like to point out, they are investigating matters that they believe are already illegal under the law.

That is not the problem in terms of representational government, and that is not the problem in terms of this institution. The problem is the volume of money that is now foreclosing the voices of millions of Americans who would like to weigh in in the decisions that we make in the people's House.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I will do something unique and speak about the issue at hand, the tuna dolphin bill, and stay away from what some of my colleagues want to get into, political maneuvering.

I stand before my colleagues as an original cosponsor of a bill that would save dolphins. When I was on the Merchant Marine and Fisheries Committee, we had a pretty monumental

problem. All over the world, dolphin were being killed in thousands and thousands of numbers. Both the United States and other fishing environments and fishing fleets reacted and tried to devise methods that would actually save dolphin and allow us to fish and feed the populations of the world.

One of the things they did was to establish a system to where they could back down the net because, where you have tuna being caught, the dolphins swim above it. And the dolphin were being caught up in these nets. So the fishing fleets devised a system where you would actually back down the nets and, where the dolphin swim above, the tuna would swim out of the back side of the nets. We have had two fishermen from the United States killed by sharks actually trying to help the dolphin out of the nets.

Now, dolphin-safe means that there is no dolphin within that particular catch that was killed. And for some of my colleagues, that is not good enough. One of the problems is there are 11 other nations out there that fish tuna and catch dolphin. They do not adhere to our rules. So there are still dolphin being killed in many of these catches.

There was an agreement that was set forth, called the Panama agreement, to bring in these other nations to ask them to adhere to our requirements to not kill dolphin. And they did so under the dolphin-safe label and under the Panama agreement. Some of my colleagues will say the State Department was not involved. I have got letters from here, and I have got the actual Panama agreement itself signed by the State Department. It was negotiated with five environmental groups that support this legislation.

I have got a letter here from the President of the United States; I have one here from AL GORE. It says: The Vice President says the administration strongly supports this legislation, which is essential to the protection of dolphins and other marine life in the eastern tropical Pacific. Then the President, our shared goals are to further reduce, eliminate dolphin mortality, to minimize incidental catch for other species, and he strongly supports this legislation.

Greenpeace believes, and I quote: Greenpeace believes that the Greenpeace bill offers the best foundation for the United States and other nations to resolve the tuna-dolphin.

It goes on and on. Here is one from Barry McCaffrey. Some of my colleagues will claim that we are shipping drugs through fishing fleets. Give me a break. Most of the drugs come through cargo containers and across our borders. And, yes, there is a drug problem. The boat that they refer to is out of Ecuador, which is a dolphin-safe country already. And guess what, there was no fishing paraphernalia on the boat that was caught. It was one of their boats. It was not even fishing, and it had no observer.

Every single boat that goes out to fish will have an internationally trained observer to monitor, to make sure that there are no slip-ups. If there is a dolphin killed in that set, Mr. Speaker, that set cannot be used in dolphin-safe fishing.

But yet some of my colleagues will still fight it. The real answer, here it is right here, Earth Island makes millions of dollars managing the tuna-safe dolphin. Here is their fundraising list after they blast all the negatives. Here is the President, the Vice President, the White House, we had 316 votes last year on this. It went through two different full committees. The subcommittee, the committees with amendments and changes and all these changes went through in conjunction with the Panama agreement. And now they are supported by Republicans and Democrats, and this is going to pass overwhelmingly. That is why my colleagues across the aisle here want to use this as a political stymie in campaign finance reform. The issue before us is protecting dolphin.

I would say that there is another reason. There are actually, believe it or not, pro-reform people in the Mexican Government that are working with us.

I thank the gentleman for yielding me the time.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Texas [Mr. TURNER].

Mr. TURNER. Mr. Speaker, I rise to urge a no vote on the previous question because of my strong belief that it is time for this Congress to act and to act quickly on campaign finance reform.

Recently the New York Times quoted a woman by the name of Pam Elliott in Tennessee who said, "The special interest groups are spending millions to get their point across and people like me aren't heard at all. "Money talks," says Ms. Elliott.

Unfortunately, Ms. Elliott is right. Money does talk. In fact, it not only talks but it shouts. So loud that it is drowning out the voices of ordinary Americans who want to participate and be heard in the political process.

As the tide of special interest money has increased, voter turnout and confidence in Government has fallen to a dangerously low level. Voters have concluded that their votes mean far less than a wealthy contributor's dollars, and they believe that our Government is for sale to the highest bidder. Experienced lawmakers from this Chamber have left this House, because they are weary of spending their time panhandling for dollars. And qualified citizens have declined all across this country to run for office because they are unable and are unwilling to stoop to the level necessary to raise the millions of dollars needed to run for office today.

Less than half of the voters in this country even bother to participate in casting a vote for a candidate for President because they are turned off by the political process as we know it. What kind of company in this country today would pay for an advertising campaign that drove half the consumers to boycott the product? That is what we are doing with our current system of campaign finance.

A democracy cannot survive, much less succeed, with such a widespread loss of faith in the democratic process.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 3 minutes to the gentleman from New Jersey [Mr. SAXTON], subcommittee chairman on this legislation.

Mr. SAXTON. Mr. Speaker, one would hardly know what this bill was about listening to the debate. This rule is about a bill which has been long in coming.

We have been working on this bill for 3 years, and it came as a result of a law actually that was passed in 1993, because in 1993, we recognized that we were killing too many dolphins in the eastern tropical Pacific by way of tuna fish fishermen.

What was happening back then, Mr. Speaker, is very simply that the way of catching tuna was to find a school of dolphin and recognizing that tuna fish school up under dolphin, we would surround, or the fishermen would surround the dolphin with large nets called purse seine nets and scoop up the tuna fish along with the dolphins. We found that we were killing something in excess of 100,000 dolphins a year. That is what this issue is about.

I find it regrettable that the other side has seen fit to take this time and steal it away from the environmental community who have been waiting for 3 years at least to discuss this issue today seriously and take the time and use it for something else.

But the bill that is coming today I think is a very important one and it really has taken a long time to get here. What we will do today is to turn back the bill that was passed in 1993, which did in effect make American fishermen stop fishing on dolphins, as the terminology goes, stop fishing on dolphins so that we would not kill 100,000. And we have reduced the kill of dolphins to a very, very low level.

Unfortunately, 12 other countries that fish in the same fishery chose not to abide by American law because they had other markets for the fish and they were off doing other things. So we set upon international negotiations through our State Department to bring an end to the international catch of dolphins.

As we have proceeded, this bill will be the final chapter, we hope, in bringing about a resolution to that problem. Not only will we have an international agreement that solves the dolphin

problem, we will also have an international agreement that provides for a habitat management plan in effect which preserves the lives of sea turtles, billfish, sharks and young juvenile, some people call them baby tuna fish, all of which are victims of the present regime of activities that goes on in this fishery which is a very, very bad management plan.

So we have heard a lot of hyperbole today about what the other side would like us to hear about. It is no wonder, Mr. Speaker, it is no wonder the American people get confused. It is no wonder the American people get disgusted because we bring a rule to the floor that has to do with dolphins and tuna fish and sea turtles, and the other side sees fit to try to publicize and politicize the debate.

I think it is most unfortunate, Mr. Speaker.

Ms. SLAUGHTER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. MEEHAN].

Mr. MEEHAN. Mr. Speaker, we are going to have an opportunity to vote on the underlying bill, but I rise in support of a "no" vote on the previous question to require a vote on campaign finance reform by July 4. That is because the leadership of the Republican Party has refused to bring this issue up.

Let me also rise to highlight the Republican majority's abuse of the legislative process to block campaign finance reform.

Mr. Speaker, back in January, President Clinton challenged the Congress to enact bipartisan campaign finance reform by July 4. The following week the Republican leadership responded by not including campaign finance reform on its list of legislative priorities for the 105th Congress. Soon after the cosponsors of the bipartisan campaign finance reform act sent a letter to Speaker GINGRICH, asking him to work with us to set a schedule for House consideration of bipartisan campaign finance reform. We received no response.

In February, the Committee on the Judiciary held hearings on campaign finance reform and on the first amendment. The gentleman from Connecticut [Mr. SHAYS] and I asked for the chance to testify on the bipartisan campaign finance reform bill. We were denied that opportunity.

□ 1430

Mr. Speaker, over the last 4 months, the gentleman from California, Mr. GEORGE MILLER, has asked time and time again for a vote on campaign finance reform, for a vote to be scheduled. Time and time again his requests have fallen on deaf ears.

Mr. Speaker, we have focused long enough on the problems of our campaign finance system. The question the American people ask is when will we do something about it? Why is it when the President challenges Democrats and Republicans to come up with a bipartisan bill that we see day in and day out this legislative calendar with everything but campaign finance reform on the agenda?

We need to vote on campaign finance reform because this system is broken and needs to be fixed. And as long as the Republican leadership drags its feet, we will be on the floor of this House demanding a vote on this issue.

Ms. SLAUGHTER. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. DOGGETT].

Mr. DOGGETT. Mr. Speaker, the underlying legislation that we are considering this afternoon is indeed very important. Anyone who has ever been at sea and seen a school of dolphin leap into the air knows that this mammal is something that is very precious, another gift of God to this world.

And as beautiful as that sight is, as seeing a dolphin leap through the air, what a contrast it is to see the ugly side of politics as candidates and elected officials leap through one hoop after another in the search for campaign dollars in a campaign system that each year requires hundreds of millions of dollars in order to have a chance to see how this Congress and how this democracy will run.

Unless we find a better way to deal with the netting of elected officials that is occurring from special interests across this country, then the fishy smell will pervade more than just this Chamber, it will pervade this country.

The American people know how critical it is to reform our campaign finance system. They have spoken out again and again expressing their concern not just about one party, but both, and the way our democracy is threatened by special interest money, and yet again and again we have come to this floor and asked to be heard on this issue. It is not a question of a lack of time or a lack of interest in this body; it is, rather, a lack of commitment on the part of the leadership to bring this issue to the floor.

And it is easy to understand why. Speaker GINGRICH has said again and again that he thinks there is not enough money in the political system. He wants even more money flowing into this system. And we heard him say only last week, at a gathering of contributors who gave as much as a quarter of a million dollars apiece to the Republican Party, that whatever they have donated, worked for, or given to avoid that alternative; that is, not having Republicans in power, is a tiny token of what it has saved them. It is this quid pro quo system that has to be changed.

We do not claim to have a monopoly on the solutions. The Blue Dogs have a solution. The gentleman from Massachusetts [Mr. MEEHAN] has come forward with a solution. There are many alternatives that can be considered. But why not allow the time on this floor for a full and open debate on the need to reform our campaign finance system?

What can be more fundamental than the way this democracy works, than the way our Members of Congress and all of our Federal officials are financed? This is vote No. 5 today for reform. Let us make it a positive vote.

Mr. HASTINGS of Washington. Mr. Speaker, I yield 2 minutes to the gentleman from Georgia [Mr. BARR].

Mr. BARR of Georgia. Mr. Speaker, I thank the gentleman from Washington for yielding me this time.

Mr. Speaker, I come from the 7th District of Georgia, and I do not think we have any dolphins there, but this is important legislation to many districts around the country that have problems with tuna fishing and dolphins.

We heard about, I do not know whether it was lords a leaping or dolphins leaping through the air in the sunset or something. And then we segued from that through a series of platitudes about let us let the chips fall where they may and money talks, all of which has nothing to do with either the issues of ethics in Government, honesty in Government, and selling our national security, nor does it have anything to do with the legislation at hand.

But let us pick up the gauntlet that has been thrown down today, Mr. Speaker, and let us reflect on a couple of things here that are factually and historically accurate and deserve to be considered as part of this so-called debate on the other side.

The campaign finance laws about which the other side is ranting and raving and railing today, Mr. Speaker, have been around actually for quite a while. As a matter of fact, they were enacted by Democrat Congresses. And as a matter of fact, Mr. Speaker, just two Congresses ago both Houses of the Congress; that is, the House and the Senate, were in the hands of the Democrat Party. And come to think of it, Mr. Speaker, so was the White House.

Now, they were not out here talking about lords a leaping and we need to let the chips fall where they may and money talks and we need to do something about it. No, all those folks were lining their pockets. They were going to the Huangs and the Lippo Group and the Buddhist temples and lining their pockets. And now, when their hand is caught in the cookie jar, oh, now they say, this is a bad system and it is awful what it has forced us to do and we must change this system. We must change this system. We have never had the chance before to change the system, but now we must change this system so that what it has forced us to do does not ever happen again.

This is bogus, Mr. Speaker. Let us get back to the issues and let us move on to the business of this country.

Ms. SLAUGHTER. Mr. Speaker, I yield myself the balance of my time.

The debate we have had today, Mr. Speaker, is important to us, and I think it is important to the American people, but we do not have a lot of avenues to try to make our opinions known.

A couple of things have been said that I would really like to comment on. The first is that I share everybody's grief and concern when these laws have been broken. Nobody feels more badly about that than I, and I want to get to the bottom of it. But one of the ways we could have done better in trying to make sure that the laws we have on the books now are conformed with was the $1.7 million that was taken out of the supplemental last week to the FEC to help them to make sure that all laws are complied with, and I am sorry that that happened as well.

This vote today on whether to order the previous question is not merely a procedural vote. A vote against ordering the previous question today is a vote to allow this opposition, for at least a moment, to offer an alternative plan.

I want to make it clear to everyone that defeating the previous question will in no way affect the consideration of H.R. 408, which is important and which we will not in any way try to interfere with, but it is a vote about what the House should be debating.

Mr. Speaker, I ask unanimous consent to insert extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. SLAUGHTER. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

As this debate concludes, it seems as if there is a pattern being set here, at least by the other side, that when we are debating a rule we will go off on other issues. And I think that is regrettable because this issue is a very important issue. While the minority obviously has a right to offer dissenting views and other motions, I think we should put those in perspective.

So I will conclude my remarks, Mr. Speaker, by reminding my colleagues that defeating the previous question is an exercise in futility because in case the minority wants to offer an amendment, that will be ruled out of order as nongermane to this rule. So as a matter of fact, the vote will be without substance.

The previous question vote itself is simply a procedural motion to close debate on this rule and proceed to a vote on its adoption. The vote has no substantive or policy implications whatsoever.

Mr. Speaker, at this point I would provide for the RECORD an explanation of the previous question.

THE PREVIOUS QUESTION VOTE: WHAT IT MEANS

House Rule XVII ("Previous Question") provides in part that: There shall be a motion for the previous question, which, being ordered by a majority of the Members voting, if a quorum is present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked or ordered.

In the case of a special rule or order of business resolution reported from the House Rules Committee, providing for the consideration of a specified legislative measure, the previous question is moved following the one hour of debate allowed for under House Rules.

The vote on the previous question is simply a procedural vote on whether to proceed to an immediate vote on adopting the resolution that sets the ground rules for debate and amendment on the legislation it would make in order. Therefore, the vote on the previous question has no substantive legislative or policy implications whatsoever.

H. RES. 153—PREVIOUS QUESTION AMENDMENT TEXT

At the end of the resolution add the following new section:

"Section 2. No later than July 4, 1997, the House shall consider comprehensive campaign finance reform legislation under an open amendment process."

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Republican majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's "Precedents of the House of Representatives, (VI, 308-311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illionis) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Republican majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the Republican Leadership "Manual on the Legislative Process in the United States House of Representatives," (6th edition, page 135). Here's how the Republicans describe the previous question vote in their own manual:

"Although it is generally not possible to amend the rule because the majority Member controlling the time will not yield for the purpose of offering an amendment, the same result may be achieved by voting down the previous question on the rule . . . When the motion for the previous question is defeated, control of the time passes to the Member who led the opposition to ordering the previous question. That Member, because he then controls the time, may offer an amendment to the rule, or yield for the purpose of amendment."

Deschler's "Procedure in the U.S. House of Representatives," the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues:

"Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

The vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Republican majority's agenda to offer an alternative plan.

With that, Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore (Mr. GUTKNECHT). The question is on ordering the previous question.

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

Ms. SLAUGHTER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of agreeing to the resolution.

Without objection, the postponed vote on the motion to suspend the rules will be a 5-minute vote immediately after the disposition of this rule.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. GUTKNECHT) [during the vote]. Members are advised that the voting machine is apparently not working and that voting will proceed with Members casting their votes in writing in the well.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [during the vote]. The Chair announces that voting stations are now operative in the Chamber. Those Members who have not yet voted or would like to check

whether or not their vote has been recorded should do so because the Chair is informed that they are now operating.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore [during the vote]. The Chair apologizes for the necessary/delay in manually recording votes and encourages all Members to verify either on the computer terminals or on the board that they have in fact been recorded. The Chair expects to have the rest of the votes recorded within the next 2 or 3 minutes.

The vote was taken by electronic device, and there were—yeas 226, nays 203, not voting 5, as follows:

[Roll No. 149]

YEAS—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Molinari
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—203

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Farr
Fattah
Fazio
Filner
Flake
Foglietta
Forbes
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Andrews
Hunter
Lewis (GA)
Schiff
Snowbarger

□ 1517

Messrs. BOSWELL, RAHALL, and WISE changed their vote from "yea" to "nay."

Mr. SESSIONS changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The resolution was agreed to.

A motion to reconsider was laid on the table.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF HOUSE CONCURRENT RESOLUTION 65

Mr. MOAKLEY. Mr. Speaker, I ask unanimous consent to remove the name of the gentleman from Colorado [Mr. BOB SCHAFFER]) as a cosponsor of House Concurrent Resolution 65. The name of gentleman from Colorado was inadvertently added by my staff. The correct name should have been the gentleman from Colorado [Mr. DAN SCHAEFER].

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

There was no objection.

VOLUNTEER PROTECTION ACT OF 1997

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the pending business is the question of suspending the rules and passing the bill, H.R. 911, 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 South Carolina [Mr. INGLIS] that the House suspend the rules and pass the bill, H.R. 911, as amended, on which the yeas and nays are ordered.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The recording machines are now working. Members will record their vote by electronic device.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 390, nays 35, not voting 9, as follows:

[Roll No. 150]

YEAS—390

Abercrombie
Ackerman
Aderholt
Allen
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeFazio
DeGette
DeLauro
DeLay
Dellums
Diaz-Balart
Dickey
Dicks

Dingell
Dixon
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fawell
Fazio
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
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
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
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McKeon
McKinney
McNulty
Meehan
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
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
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Watkins
Waxman
Weldon (FL)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—35

Becerra
Berman
Brown (CA)
Clayton
Coble
Conyers
Davis (IL)
Delahunt
Deutsch
Doggett
Fattah
Filner
Hastings (FL)
Hilliard
Jackson (IL)
Jefferson
Kucinich
LaFalce
Lofgren
Manzullo
Markey
Meek
Mollohan
Nadler
Oberstar
Paul
Pombo
Rangel
Roybal-Allard
Sandlin
Scott
Tauscher
Tierney
Waters
Watt (NC)

NOT VOTING—9

Andrews
Greenwood
Hunter
Lewis (GA)
McIntyre
Schiff
Snowbarger
Watts (OK)
Weldon (PA)

□ 1526

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.

Mr. INGLIS of South Carolina. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Senate bill (S. 543) to provide certain protections to volunteers, nonprofit organizations, and governmental entities in lawsuits based on the activities of volunteers, and ask for its immediate consideration in the House.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 543

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 "Volunteer Protection Act of 1997".

SEC. 2. FINDINGS AND PURPOSE.

The Congress finds and declares that—

(1) the willingness of volunteers to offer their services is deterred by the potential for liability actions against them;

(2) as a result, many nonprofit public and private organizations and governmental entities, including voluntary associations, social service agencies, educational institutions, and other civic programs, have been adversely affected by the withdrawal of volunteers from boards of directors and service in other capacities;

(3) the contribution of these programs to their communities is thereby diminished, resulting in fewer and higher cost programs than would be obtainable if volunteers were participating;

(4) because Federal funds are expended on useful and cost-effective social service programs, many of which are national in scope, depend heavily on volunteer participation, and represent some of the most successful public-private partnerships, protection of volunteerism through clarification and limitation of the personal liability risks assumed by the volunteer in connection with such participation is an appropriate subject for Federal legislation;

(5) services and goods provided by volunteers and nonprofit organizations would often otherwise be provided by private entities that operate in interstate commerce;

(6) due to high liability costs and unwarranted litigation costs, volunteers and nonprofit organizations face higher costs in purchasing insurance, through interstate insurance markets, to cover their activities; and

(7) clarifying and limiting the liability risk assumed by volunteers is an appropriate subject for Federal legislation because—

(A) of the national scope of the problems created by the legitimate fears of volunteers about frivolous, arbitrary, or capricious lawsuits;

(B) the citizens of the United States depend on, and the Federal Government expends funds on, and provides tax exemptions and other consideration to, numerous social programs that depend on the services of volunteers;

(C) it is in the interest of the Federal Government to encourage the continued operation of volunteer service organizations and contributions of volunteers because the Federal Government lacks the capacity to carry out all of the services provided by such organizations and volunteers; and

(D)(i) liability reform for volunteers, will promote the free flow of goods and services, lessen burdens on interstate commerce and uphold constitutionally protected due process rights; and

(ii) therefore, liability reform is an appropriate use of the powers contained in article 1, section 8, clause 3 of the United States Constitution, and the fourteenth amendment to the United States Constitution.

(b) PURPOSE.—The purpose of this Act is to promote the interests of social service program beneficiaries and taxpayers and to sustain the availability of programs, nonprofit organizations, and governmental entities that depend on volunteer contributions by reforming the laws to provide certain protections from liability abuses related to volunteers serving nonprofit organizations and governmental entities.

SEC. 3. PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This Act preempts the laws of any State to the extent that such laws are inconsistent with this Act, except that this Act shall not preempt any State law that provides additional protection from liability relating to volunteers or to any category of volunteers in the performance of services for a nonprofit organization or governmental entity.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This Act shall not apply to any civil action in a State court against a volunteer in which all parties are citizens of the State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this Act shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 4. LIMITATION ON LIABILITY FOR VOLUNTEERS.

(a) LIABILITY PROTECTION FOR VOLUNTEERS.—Except as provided in subsections (b) and (d), no volunteer of a nonprofit organization or governmental entity shall be liable for harm caused by an act or omission of the volunteer on behalf of the organization or entity if—

(1) the volunteer was acting within the scope of the volunteer's responsibilities in

the nonprofit organization or governmental entity at the time of the act or omission;

(2) if appropriate or required, the volunteer was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the volunteer's responsibilities in the nonprofit organization or governmental entity;

(3) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the volunteer; and

(4) the harm was not caused by the volunteer operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to—

(A) possess an operator's license; or

(B) maintain insurance.

(b) CONCERNING RESPONSIBILITY OF VOLUNTEERS TO ORGANIZATIONS AND ENTITIES.—Nothing in this section shall be construed to affect any civil action brought by any nonprofit organization or any governmental entity against any volunteer of such organization or entity.

(c) NO EFFECT ON LIABILITY OF ORGANIZATION OR ENTITY.—Nothing in this section shall be construed to affect the liability of any nonprofit organization or governmental entity with respect to harm caused to any person.

(d) EXCEPTIONS TO VOLUNTEER LIABILITY PROTECTION.—If the laws of a State limit volunteer liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a nonprofit organization or governmental entity to adhere to risk management procedures, including mandatory training of volunteers.

(2) A State law that makes the organization or entity liable for the acts or omissions of its volunteers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(4) A State law that makes a limitation of liability applicable only if the nonprofit organization or governmental entity provides a financially 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. A financially secure source of recovery may be an insurance policy within specified limits, comparable coverage from a risk pooling mechanism, equivalent assets, or alternative arrangements that satisfy the State that the organization or entity will be able to pay for losses up to a specified amount. Separate standards for different types of liability exposure may be specified.

(e) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF VOLUNTEERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a volunteer in an action brought for harm based on the action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an action of such volunteer which constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(f) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a volunteer under this Act shall not apply to any misconduct that—

(A) 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;

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

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

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

(E) 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.

(2) RULE OF CONSTRUCTION.—Nothing in this subsection shall be construed to effect subsection (a)(3) or (e).

SEC. 5. LIABILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a volunteer, based on an action of a volunteer acting within the scope of the volunteer's responsibilities to a nonprofit organization or governmental entity, the liability of the volunteer for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—Each defendant who is a volunteer, shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable. The court shall render a separate judgment against each defendant in an amount determined pursuant to the preceding sentence.

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a volunteer under this section, the trier of fact shall determine the percentage of responsibility of that defendant for the claimant's harm.

SEC. 6. DEFINITIONS.

For purposes of this Act:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society and companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation and all other nonpecuniary losses of any kind or nature.

(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 section 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.

(5) STATE.—The term "State" means each of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) VOLUNTEER.—The term "volunteer" means an individual performing services for a nonprofit organization or a governmental entity who does not receive—

(A) compensation (other than reasonable reimbursement or allowance for expenses actually incurred); or

(B) any other thing of value in lieu of compensation,

in excess of $500 per year, and such term includes a volunteer serving as a director, officer, trustee, or direct service volunteer.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—This Act shall take effect 90 days after the date of enactment of this Act.

(b) APPLICATION.—This Act applies to any claim for harm caused by an act or omission of a volunteer where that claim is filed on or after the effective date of this Act, without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

MOTION OFFERED BY MR. INGLIS OF SOUTH CAROLINA

Mr. INGLIS of South Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. INGLIS of South Carolina moves to strike all after the enacting clause of the bill, S. 543, and insert in lieu thereof the text of the bill, H.R. 911, as passed by the House.

The motion was agreed to.

The Senate bill was ordered 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. 911) was laid on the table.

INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT

The SPEAKER pro tempore. Pursuant to House Resolution 153 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. 408.

□ 1529

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. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for

other purposes, with Mr. GUTKNECHT in the chair.

The Clerk read the title of the bill.

□ 1530

The CHAIRMAN. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from New Jersey [Mr. SAXTON] and the gentleman from California [Mr. MILLER], each will control 30 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. SAXTON].

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

I rise in support of H.R. 408, officially called the International Dolphin Conservation Program Act. This, Mr. Chairman, is essentially an ocean habitat management act to protect ocean species in the eastern tropical Pacific, including not just dolphins, but tuna fish as well, particularly juvenile tuna, sea turtles, bill fish, sharks and other species.

This bill has been worked on for the last 3 years by the gentleman from Alaska [Mr. YOUNG], our committee chairman, and by the gentleman from Maryland [Mr. GILCHREST], and by the gentleman from California [Mr. CUNNINGHAM], and by others on the committee.

This is an international declaration, the Declaration of Panama, a binding international agreement signed by 12 nations on October 4, 1995. The nations are Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, Vanuatu, Venezuela, and of course the United States. The United States was ably represented by our State Department, and these issues are, of course, of great importance to the American people as well as to the international community.

During the 104th Congress, a nearly identical measure was passed by the House overwhelmingly with a 316 to 108 vote. But the Senate had insignificant time to consider the measure before the sine die adjournment. This year's measure, H.R. 408, amends the Mammal Protection Act to encourage fishing methods which protect dolphins and the other important species of marine life which I mentioned.

The bipartisan bill has the support of the administration and various environmental groups, including Greenpeace, the World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense League.

Mr. Chairman, I would just like to say that the history of this bill is very, very important. In 1992, we passed a bill to protect dolphins in the eastern tropical Pacific. That bill worked with American fishermen. It worked because of the mechanism that was set up, but it did not work, Mr. Chairman, in the international community because an American law has little force and effect on foreign fishermen, particularly foreign fishermen that found other markets and continued to fish on dolphins or tuna fish and market them elsewhere.

So I congratulate the Committee on Resources for this bill. I hope that everyone will vote for it. It is good legislation and our distinguished colleague, its author, the gentleman from Maryland [Mr. GILCHREST] should be congratulated for his hard work, as well as the gentleman from California [Mr. CUNNINGHAM], for initially bringing this matter to our attention more than 3 years ago.

This is a true marine ecosystem protection bill and worthy of Members' support. I urge all Members to vote in favor.

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

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Hawaii [Mr. ABERCROMBIE].

Mr. ABERCROMBIE. Mr. Chairman, today I rise in strong opposition to H.R. 408, the International Dolphin Conservation Program Act, with all due respect to my good friend, the gentleman from Maryland [Mr. GILCREST] and the gentleman from New Jersey [Mr. SAXTON].

This bill is not about protecting dolphins; this bill is about the U.S. Department of State arbitrarily dictating changes in U.S. law without consulting Congress until after the deed is done.

I have further remarks, Mr. Chairman, that I will submit, but in the interest of time, I would just like to follow up on that remark.

During committee markup I offered an amendment on bycatch reduction. The issue of bycatch should be addressed in this fishery and every other fishery with a strong bycatch reduction requirement. The gentleman from Maryland [Mr. GILCREST], I am happy to say, was willing to accept the amendment. The gentleman from New Jersey [Mr. SAXTON] was willing to cooperate.

However, word came down to the committee that the State Department was firmly opposed to any changes in the legislation. The State Department does not want to accept the amendment, did not want to accept our amendment, because it would strengthen the commitment by including specific bycatch reduction.

Mr. Chairman, today I rise in strong opposition to H.R. 408, the International Dolphin Program Act. With all due respect to my good friends from Maryland, Mr. GILCHREST, and from New Jersey, Mr. SAXTON, this bill is not about protecting dolphins. This bill is about the U.S. Department of State arbitrarily dictating changes in U.S. law without consulting Congress until after the deed is done.

In 1990, Mexico and Venezuela filed a formal complaint with GATT after the Mexican tuna was embargoed for not achieving comparability with the United States tuna fleet. The GATT panel ruled that the United States had no right to use trade restrictions on a product based on the way the product was made or harvested. This finding has broad implications for a variety of U.S. consumer protection, health and safety, and environmental laws. However it is important to point out that the panel did not address the dolphin-safe label itself.

Since the ruling, Mexico has been pressuring the United States to change its dolphin protection law so that they can sell their tuna in the United States. No one knew until 1995 that the State Department and Mexico were negotiating a deal which is now known as the Panama Declaration. This agreement requires major changes to U.S. law. The State Department did not consult with Congress during the entire process, and now this agreement is being rammed through Congress.

By codifying the Panama Declaration, H.R. 408, eliminates the embargo provision in the Marine Mammal Protection Act, which is based on the rate of dolphin kill. The bill allows tuna caught by nations which are members of the Inter American Tropical Tuna Commission [IATTC] to enter the U.S. market if the total mortality for all nations remains below 5,000 annually and allow some tuna caught by the IATTC nations to be labeled "dolphin safe." This dolphin mortality level is double the amount of the 1996 dolphin mortality level for Mexico and other nations fishing in the eastern Pacific. There is no reason why the acceptable dolphin kill level should be set at 5,000, thus allowing IATTC nations a higher dolphin mortality for dolphin safe tuna sold in the United States.

The measure also narrows the definition of "dolphin safe" so that the only excludable tuna would be that which involved the killing of no dolphins during the fishing operation. It would, however, allow unlimited harassment of dolphins. Mexico and other nations want this provision so that their tuna will be bought by unsuspecting Americans who trust that the tuna was caught without harassing dolphins. Mexico and other nations know the American consumer will not tolerate the slaughter of dolphins. This is why the U.S. tuna canning industry adopted the dolphin-safe label in the first place. Without a dolphin-safe label on tuna, consumers will not buy it. We should not change the definition without scientific evidence.

Supporters of H.R. 408 claim that scientific information supports the legislation. This is not accurate. The National Marine Fisheries Service [NMFS] conducted a study of tuna bycatch in the Eastern Tropical Pacific Ocean from dolphin, schoolfish, and log sets from 1989 to 1992. A pattern emerged showing that by-catch was generally low or nonexistent in dolphin sets, low to moderate in school sets and high to very high in log sets. There is no doubt that a fishing method using the chase and netting of dolphins results in a lower bycatch of other species, such as sea turtles and sharks. While the by-catch issue has merit and deserves attention, the Panama Agreement does not resolve the problem. Other nondolphin methods of fishing for tuna are not being considered.

More importantly, scientists have no evidence that the impacts of high speed chase

and netting are not harmful to dolphins or dolphin populations. Some dolphin populations are chased more than once a day, with more than 3 million animals chased every year. Information from the NMFS biologists studying these populations indicates that they are currently stable at about one-fifth of their original size. NMFS' own scientists and the IATTC have reported that these stocks show no signs of recovery. We have no idea if the dolphin-set method impacts the dolphin fecundity or mortality.

During committee markup I offered an amendment on bycatch reduction. The issue of bycatch should be addressed in this fishery and every other fishery with strong bycatch reduction requirements. Mr. GILCHREST was willing to accept the amendment. However, word came down to the committee that the State Department was firmly opposed to any changes in the legislation. The State Department didn't want to accept the amendment, because it would strengthen the commitment by including specific bycatch reduction program. What really troubles me is that the State Department did not base their position on the bycatch reduction program on science or the environment. Instead, the State Department's sole concern was political expediency.

The State Department told Congress that H.R. 408 is unamendable. They have rejected any attempts at compromise. Congress should not acquiesce to a precedent that lowers our environmental laws, consumer protection, and health and safety laws just because another nation desires to sell its products in America. If the goal of H.R. 408 is to increase trade and open our markets to Mexico, the State Department should come clean. They should not hide behind a veil of environmentalism.

Let's vote to protect dolphins and the environment, I strongly urge my colleagues to oppose H.R. 408.

Mr. SAXTON. Mr. Chairman, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG], who I do not think believes that we are a rubber stamp for the State Department.

Mr. YOUNG of Alaska. Mr. Chairman, I rise in strong support of H.R. 408, and I want to thank the gentleman from Maryland [Mr. GILCHREST] and the gentleman from New Jersey [Mr. SAXTON] especially for working on this piece of legislation.

If we really, truly believe in conservation and believe in saving the dolphins, and I have probably been in this argument and the discussion longer than anybody on this floor, this is a piece of legislation that must pass. It is our belief, after studying the results of scientists and other people that contributed testimony to the committee, that it is not just the dolphins we are talking about in the sea, we are talking about other species now that will be caught if we do not sign this agreement with the other countries participating.

It is the right thing to do, because there are more than just dolphins there. Yes, they make movies about them; yes, they are pretty; and yes, they swim well; and yes, the seas are attractive because they are there, but the truth of the matter is there is a lot of other life there that must be protected and this is what we are trying to do with this legislation.

The State Department does support it, the administration does support it, which gave me great reservation when I found this out, but what we are trying to do with the help of the gentleman from Maryland [Mr. GILCHREST] is to try to protect the total mass in the sea to make sure that there are those species left that are still under jeopardy.

So I am voting "yes" on this legislation. I am going to suggest that if we want to save the dolphins we are talking about, if we want to lower the mortality rate, if we want to protect these other species, then we must vote "yes" on this legislation. This is good legislation and it is long overdue.

Mr. Chairman, I rise in strong support of H.R. 408, the International Dolphin Conservation Program Act, introduced by Congressman GILCHREST.

This legislation implements the Panama Declaration, an internationally negotiated agreement for the protection of dolphins and other marine species in the eastern tropical Pacific Ocean. This agreement, which was developed by 12 nations and several environmental organizations, will prove the framework for the lasting protection of all marine life affected by the yellowfin tuna fishery in the eastern tropical Pacific Ocean.

As strange as this may sound, this legislation, which I support, is also supported by the Clinton administration, Greenpeace, the National Wildlife Federation, World Wildlife Fund, Environmental Defense Fund, the Center for Marine Conservation, the American Tunaboat Owners Coalition, the Seafarers' International Union, the Sportfishing Association of California, and the National Fisheries Institute. That combination alone should make everyone here vote for the bill.

As most of you are aware, the protection of dolphin populations in this fishery has been a goal of the Marine Mammal Protection Act for over two decades. We heard from numerous witnesses during the hearings held during the last two Congresses that the unilateral embargo provisions and the dolphin-safe labeling requirements have not changed the nature of the fishery. In fact, the number of sets on dolphins has remained fairly stable for years.

The La Jolla program, on the other hand, has been very successful in promoting more efficient operations and a real reduction in dolphin mortality. However, this program is voluntary. Through the Panama Declaration and this legislation, we how have an opportunity to get real international cooperation in maintaining low dolphin mortality for the entire fishery.

Current law has encouraged the practices of fishing on logs or schools of tuna. Both of these fishing methods have created new problems by magnifying the bycatch of other marine species such as sea turtles, billfish, juvenile tunas, and sharks.

Obviously, we need to address the problem of dolphin mortality, but this should be accompanied by a realization that we also need to address other bycatch problems as well. The Gilchrest bill does just that. H.R. 408 will allow international cooperation, will provide international compliance and enforcement, will cap dolphin mortality, and will provide the mechanism for reducing other bycatch in the fishery.

We appear to have a rather big disagreement over the method of achieving these objectives. Both sides are attempting to protect dolphins. Unfortunately, we have not been able to reach an agreement which addresses some Members' concerns about the dolphin safe label and still allows us to move forward to implement the international agreement known as the Panama Declaration.

This disagreement is unfortunate. However, I believe that the international cooperation embodied in the Panama Declaration and the provisions to move fishermen away from destructive fishing practices in the Gilchrest bill are the right thing to do.

I urge all Members to support the Gilchrest bill and the international cooperation embodied in the Panama Declaration.

Mr. Chairman, since coming to Congress, I have been involved with the Marine Mammal Protection Act of 1972. Over the years, I have worked hard to improve the law and we were successful in enacting a number of positive changes in 1994. One of those provisions gave the Secretary of the Interior the authority to issue permits to Americans to import legally taken polar bear trophies from Canada, both before and after 1994.

Our intent in passing this provision was clear: we wanted to make it easier for hunters to import polar bear trophies into the United States as long as that activity did not adversely affect Canadian polar bear populations.

There are about 13,120 polar bears in the Northwest Territories of Canada. According to scientific experts, this population is growing by about 3 to 5 percent each year. Since the annual quota for sport hunting was 132 animals in 1996, this harvest rate is having little, if any, effect on any of Canada's polar bear populations. What this activity is doing, however, is providing thousands of dollars to Canada's Inuits allowing them to maintain their cultural heritage.

While some people may disagree with the interpretation which allows sport hunting to be included in subsistence quotas, at the same time I doubt any of these people have been up to the Northwest Territories. Sport hunters are taking the part of the animal which is useless to the Canadian Inuit. The gall bladder and any other organ which could be traded illegally is destroyed, but the meat, bones, and all that is valuable to the Inuit remains in the villages.

On July 17, 1995, 15 months after enactment of the 1994 amendments, the Department of the Interior issued a proposed rule allowing all pre-1994 polar bear trophies to enter the United States. This was the correct interpretation of the 1994 amendments.

On February 18, 1997, after years of delay, the Department of the Interior issued its final rule. The final rule removed the grandfather provision. While no rationale explanation was provided, it is clear that in a mad rush to avoid litigation, the Department has ignored both the scientific data and the congressional intent

contained in the 1994 MMPA amendments. Since the regulations did not follow congressional intent, we are now forced to pass legislation requiring the Secretary to issue permits to allow the importation of polar bear trophies taken prior to the enactment of the 1994 amendments.

These trophies are dead and will not adversely affect Canadian polar bear populations. On the contrary, the importation of these trophies will help to conserve Russian and Alaskan polar bear populations. The Fish and Wildlife Service's importation fee, which is $1,000, is earmarked to go toward conservation and research of these polar bear populations.

We have to remember that these dead bears can no longer influence the stability of Canadian polar bear populations. These trophies have been sitting in warehouses for many years. The polar bear populations will benefit more if we allow the Secretary to issue an import permit and use the $1,000 fee for conservation and research.

The Fish and Wildlife Service has stated to my staff that a new rulemaking process, which is required under section 103 of the act, shall not be necessary to implement this language which authorizes the Secretary to issue import permits for pre-1994 trophies to applicants providing the appropriate documentation. The Service has indicated that a Federal Register notice will be published stating how this new language fits into the final rule published on February 18, 1997. The Service will have to update the final rule to include this new language, but this process will not delay the Secretary from issuing permits to applicants immediately after the 30 day public comment period has ended.

This amendment should not be controversial, since the U.S. Fish and Wildlife Service, the Marine Mammal Commission, and the ranking Democrat of the committee do not object this provision. I urge Members to support my efforts to correct the Fish and Wildlife Service's incorrect interpretation of the 1994 Marine Mammal Protection Act.

U.S. DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
Washington, DC, May 15, 1997.

Hon. DON YOUNG,
Chairman, House Committee on Resources, Longworth House Office Building, Washington, DC.

DEAR MR. CHAIRMAN: During the hearing held last week on the Fish and Wildlife Service's final regulations on import of polar bear trophies from Canada, the Service and the Marine Mammal Commission testified about the reasons why the plain language of the Marine Mammal Protection Act Amendments of 1994 required the Service to apply all of the substantive criteria of Section 104(c)(5) to the import of all polar bear trophies, regardless of when they were taken. The testimony also described the scientific basis for our determinations that five of Canada's polar bear populations meet the criteria of the Act, as well as new efforts now underway to develop a further proposal that will include two more populations, based on new information received from Canada too late to be included in the first round of determinations. The Service concluded that, based on the current statutory language and available scientific data, it lacked the authority to allow the import of polar bear trophies taken on or before April 30, 1994, from the remaining populations until they meet all of the criteria of the Act.

During the hearing there also was discussion concerning the position of the Administration regarding potential new legislation which would explicitly exempt bears which are already dead and held in storage in Canada from the four criteria contained in Section 104(c)(5) of the Act. The purpose of this letter is to notify you that the Administration would have no objection to such legislation, provided it is limited to an exemption for polar bear trophies legally taken in Canada on or before April 30, 1994, and that no other exemptions from the provisions of the Act are added. Enclosed with this letter is recommended language, developed in consultation with the Marine Mammal Commission, that would include an explicit exemption from the requirements of Sections 101, 102, and 104(C)(5)(I) through (iv) of the Act for all trophies taken on or before April 30, 1994, provided the permit applicant can show evidence that the trophy was legally taken in Canada.

In implementing this exemption, the Service would require from applicants a valid Canadian CITES export permit for trophies taken after July 1, 1975 (the date CITES entered into force in Canada), because the issuance of such a permit by the Canadian CITES Management Authority automatically certifies that the specimen was legally acquired. For trophies taken prior to July 1975, in addition to the required CITES preconvention certificate, the Service would ask for a copy of a Canadian hunting license or other documentation to prove that the specimen was legally taken. With this documentation, there would be no adverse conservation consequences from allowing the import of polar bears taken on or before April 30, 1994, some of which have been in storage in Canada for more than twenty years.

This language would also not affect the authority of the Service to require that all polar bear trophies be imported through a designated port (unless prior arrangements are made for import of a full mount through a non-designated port) with sufficient prior notice so that Service personnel may be present to inspect the shipment and apply a tag to the trophy. This is important to ensure that there is no stimulation of illegal import or subsequent illegal trade within the United States in polar bear parts. This language would also retain the Service's authority to collect a $1,000 fee for each polar bear trophy to be imported. The additional fees generated from imports of trophies from areas not currently eligible for import under existing law and regulations would provide substantially increased benefits for polar bear conservation.

The Office of Management and Budget has advised that it has no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely,

——— ———,
Acting Director.

Enclosure.

PROPOSED LEGISLATION FOR IMPORT FOR POLAR BEAR TROPHIES:

An Act to direct the Secretary of the Interior to issue permits for the importation of polar bear trophies lawfully taken in Canada on or before April 30, 1994.

Notwithstanding the provisions of sections 101, 102, and 104©(5)(A) of the Marine Mammal Protection Act, the Secretary of the Interior shall issue a permit for the importation of polar bear parts (other than internal organs) taken in a sport hunt in Canada to an applicant that submits with a permit application proof that the polar bear was legally harvested in Canada by the applicant on or before April 30, 1994. All other provisions of section 104 of the Act, including the charging of an issuance fee, shall be applicable to such permits.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET, WASHINGTON, DC., 20503 MAY 20, 1997 (HOUSE)

STATEMENT OF ADMINISTRATION POLICY

(This statement has been coordinated by OMB with the concerned agencies.)

H.R. 408—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM ACT (GILCHREST (R) MARYLAND AND 29 COSPONSORS)

The Administration strongly supports House passage of H.R. 408, as reported by the House Resources and Ways and Means Committees. The bill would implement an international agreement to protect dolphins and the entire ecosystem of the eastern tropical Pacific Ocean.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON COMMERCE,
Washington, DC, April 23, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources, Longworth House Office Building, U.S. House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: On April 16, 1997, the Committee on Resources ordered reported H.R. 408, the "International Dolphin Conservation Program Act." This measure, just as H.R. 2823 from the 104th Congress, provides for the implementation of the Declaration of Panama signed in 1995 by the United States and 11 other nations.

H.R. 408 includes several provisions within the jurisdiction of the Committee on Commerce. In implementing the Declaration, the bill amends the "Dolphin Consumer Information Act of 1989," on which the Commerce Committee took action during the 101st Congress. The 1989 Act was incorporated into the reauthorization bill for the Magnuson Fishery Conservation and Management Act (Pub. L. 101-627). H.R. 408 provides for implementation of the Declaration in an effort to increase international participation in activities to reduce the number of dolphins and other marine mammals that die each year as a result of tuna fishing techniques. The Act would modify the definition of "dolphin safe" for the purpose of labeling tuna products sold in the United States, and alter current regulations on the importation of tuna products. Also, the bill would make misuse of the "dolphin safe" label an unfair and deceptive trade practice under Section 5 of the Federal Trade Commission Act.

Recognizing your Committee's desire to bring this legislation expeditiously before the House, I will not seek a sequential referral of the bill. However, by agreeing not to seek a sequential referral, this Committee does not waive its jurisdictional interest in any matter within its purview. I reserve the right to seek equal conferees on all provisions of the bill that are within my Committee's jurisdiction during any House-Senate conference that may be convened on this legislation. I want to thank you and your staff for your assistance in providing the Commerce Committee with an opportunity to review its jurisdictional interests in H.R. 408.

I would appreciate your including this letter as a part of the Resource Committee's report on H.R. 2823, and as part of the record

during consideration of this bill by the House.

Sincerely,

THOMAS J. BLILEY JR.,
Chairman.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

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

Mr. Chairman, in this debate there are going to be many strong arguments against this legislation. They point out, of course, my colleagues, that this antidolphin bill damages marine ecosystems, threatens American jobs and undermines consumer labeling policies. But there is one more reason to vote "no" on the international dolphin conservation program, because it is actually the international drug cartel promotion agent.

According to United States Government estimates, two-thirds of the cocaine entering Mexico comes through the eastern tropical Pacific, 275 tons a year, and most of those drugs end up in American neighborhoods and schools. A tuna fishing boat can crisscross the eastern Pacific over and over and no one could tell whether it was chasing dolphins or evading detection.

In one instance, the rusting hull of the *Don Celso* made it appear to be a normal fishing vessel until the U.S. Coast Guard stopped the boat and searched it and found 7 tons of cocaine concealed on board.

We know that these successful interceptions are only a fraction of the cocaine moving through the Pacific, and there is now substantial evidence, Mr. Chairman, that Colombian drug cartels and their Mexican allies have moved to gain control of many legitimate tuna fishing fleets to use them as front operations in their drug-smuggling activities.

This legislation would double the number of tuna boats in the eastern tropical Pacific. Law enforcement is frustrated now by the difficulty, but imagine finding those needles in an even bigger haystack.

Increasing the number of tuna boats will simply increase the ability of drug lords to use them for smuggling. This bill ignores that fact completely. Before we rush through legislation that will make law enforcement's difficult job even more challenging, we should consider the impact of our actions.

Not only does this bill threaten dolphin-safe tuna, it threatens drug-free communities and schools. For both of those good reasons, I urge my colleagues to oppose it.

Mr. Chairman, my colleagues in this debate make many strong arguments against this legislation.

They point out that this antidolphin bill damages marine ecosystems, threatens American jobs, and undermines consumer labeling policies.

But there is one more reason to vote no on the International Dolphin Conservation Program Act—because it is actually the International Drug Cartel Promotion Act.

I serve on the Crime Subcommittee, where we have worked for years to improve America's ability to stop illegal drugs at our borders. And we have seen the drug smugglers continually adjust to our efforts. When we improved interdiction on the land, they started using planes. When we began to aggressively intercept those flights, they moved from the skies to the seas.

So the war against drug smugglers has now moved to a new front. In this new naval battle, the eastern tropical Pacific is enemy-controlled territory. According to United States Government estimates, two-thirds of the cocaine entering Mexico comes through the eastern tropical Pacific—that's at least 275 tons of cocaine a year. And most of those drugs end up in American neighborhoods and schools.

The smugglers use tuna fishing boats to hide in this vast stretch of ocean, because the boats are fast, they are inconspicuous, and they have a good alibi for being there. A tuna fishing boat can criss-cross the eastern Pacific over and over, and no one could tell whether it was chasing dolphins—or evading detection.

In the last 2 years, authorities have managed to make four gigantic seizures of cocaine from tuna boats in the eastern Pacific. In one instance, the rusting hull of the *Don Celso* made it appear to be a normal fishing vessel—until the U.S. Coast Guard stopped the boat and searched it. After looking for 6 days, the Coast Guard finally found nearly 7 tons of cocaine concealed on board.

But we know that these successful interceptions are only a small fraction of the cocaine moving through the Pacific. Most of it gets through. And now, there is substantial evidence that the Colombian drug cartels and their Mexican allies have moved to gain control of many legitimate tuna fishing fleets, to use them as front operations for their smuggling in the Pacific.

Mr. Chairman, this legislation would double the number of tuna boats in the eastern tropical Pacific. Law enforcement is frustrated now by the difficulty of searching for smugglers, but imagine finding those needles in an even bigger haystack.

Increasing the number of tuna boats will simply increase the ability of drug lords to use them for smuggling, yet this bill ignores the threat completely. Before we rush through legislation that will make law enforcment's difficult job even more challenging, at least we should consider the impact of our actions.

Not only does this bill threaten dolphin-safe tuna, it threatens drug-free communities and schools. For both reasons, I urge my colleagues to oppose it.

Mr. SAXTON. Mr. Chairman, I yield myself 1 minute.

I would just like to quickly quote from a letter that I have from the Office of the National Drug Control Policy, Bill McCaffrey. He said, this legislation is likely to aid in the fight against drug smuggling by increasing the level of scrutiny over the activities of vessels involved in this fishery.

I also have a letter from Barbara Larkin of the United States State Department who says, the administration believes that the passage of this legislation would actually aid in the fight against drug smuggling by increasing the level of scrutiny over these vessels.

This administration believes that we are headed in the right direction on an issue that is obviously a red herring brought up by the opponents of the bill.

Mr. Chairman, I submit for the RECORD the material referred to.

U.S. DEPARTMENT OF STATE,
Washington, DC, May 19, 1997.

Hon. DON YOUNG,
Chairman, Committee on Resources,
House of Representatives.

DEAR MR. CHAIRMAN: This letter is to respond to your committee's request for answers to questions concerning H.R. 408, specifically allegations that purse seine vessels engaged in tuna harvesting in the eastern tropical Pacific Ocean are involved in drug trafficking.

The Department of State has been working with the United States Coast Guard, the Office of Naval Intelligence, the Drug Enforcement Administration, and the Office of National Drug Control Policy to examine this question. Of the over one hundred fishing vessels participating in the International Dolphin Conservation Program (IDCP), only a few have in the past been linked to suspect activities or persons, and a recent review of available information elicited no hard evidence to confirm the allegation that vessels in the IDCP are involved in organized drug trafficking activities.

As a general matter, the Magnuson-Stevens Fishery Conservation and Management Act prohibits foreign-flag vessels from conducting fishing operations within the U.S. Exclusive Economic Zone ("EEZ") unless there is a governing international fisheries agreement ("GIFA") in force between the United States and the flag state of the vessel. No GIFAs are in force for any of the nations participating in the purse seine tuna fishery in the eastern tropical Pacific Ocean. Even if such GIFAs were in force, foreign fishing within the U.S. EEZ could occur only if a surplus of fish was determined to exist and if the Secretary of State allocated a portion of that surplus to vessels of the flag State. In fact, there has been no such surplus identified for several years. Nothing in H.R. 408 would alter that circumstance.

Transshipments involving foreign vessels in the EEZ are not allowed unless a GIFA is in force, or unless a permit is issued under section 204(d) of the Magnuson-Stevens Act (as amended by section 105(d) of the Sustainable Fisheries Act). No transshipment permits have been issued under section 204(d), nor have any applications been received from vessels in the IATTC La Jolla program. In order to issue a permit under section 204(d), the Secretary of Commerce must determine that the transportation of fish or fish products will be in the interest of the United States.

Similarly, the Nicholson Act generally prohibits foreign-flag vessels from landing fish in U.S. ports. While there are a small number of limited exceptions to this rule (e.g., for the U.S. Virgin Islands and American Samoa), none of those exceptions applies to the tuna fishery of the eastern tropical Pacific Ocean. Accordingly, the foreign-flag vessels that participate in that fishery cannot land their catch in U.S. ports. Nothing in H.R. 408 would alter that circumstance either.

Moreover, the Administration believes that the passage of this legislation would actually aid the fight against drug smuggling by increasing the level of scrutiny over the activities of vessels involved in the eastern tropical Pacific tuna fishery. There will be an observer on every vessel participating in the dolphin protection program, and the observer will be tracking the tuna from the net to the hold to the dock. This increase in oversight of vessels which could be used for smuggling will decrease the likelihood of their being used as part of the drug trade. The enactment of H.R. 408/S. 39, although obviously not designed as a counterdrug measure, will accomplish these things, and would also enhance the general level of cooperation among nations in the region, which could benefit the fight against drug smuggling.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

I hope this information is useful to you. Please do not hesitate to call if we can be of further assistance.

Sincerely,

BARBARA LARKIN,
Assistant Secretary,
Legislative Affairs.

OFFICE OF THE VICE PRESIDENT,
Washington, DC, May 20, 1997.

Hon. WAYNE GILCHREST,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE GILCHREST: I am writing to thank you for your support of H.R. 408, the "International Dolphin Conservation Program Act." As you know, the Administration strongly supports this legislation, which is essential to the protection of dolphins and other marine life in the Eastern Tropical Pacific.

In recent years, dolphin mortality in the Eastern Tropical Pacific tuna fishery has been reduced far below historic levels. The bill will codify an international agreement to lock these gains in place, further reduce dolphin mortality and protect other marine life in the region. This agreement was signed in 1995 by the United States and 11 other nations, but will not take effect unless the Congress acts on H.R. 408.

This legislation is supported by major environmental groups including Greenspace, the World Wildlife Fund, the National Wildlife Federation, the Center for Marine Conservation, and the Environmental Defense Fund. The legislation also is supported by the U.S. fishing industry.

I am hopeful that this important legislation will be passed by the full House when it comes to the floor this week. Again, thank you for your support of H.R. 408.

Sincerely,

AL GORE.

Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, I am pleased to rise today in support of H.R. 408. This is a unique opportunity to approve legislation that would meet our environmental concerns over dolphin mortality, put us in compliance with our international obligations, and use multilateral standards for the imposition of sanctions, instead of unilateral standards that violate the WTO.

This bill was referred to the Committee on Ways and Means to address its trade aspects. We reported it out as approved by the Committee on Resources without further amendment and a strong bipartisan vote. I support the bill because it would replace the current use of U.S. unilateral standards as a trigger for an import ban of tuna caught with purse seine nets with multilateral standards agreed to as part of the Panama Declaration. If countries are in compliance with the multilateral standard for the fishing of yellowfin tuna, then the import ban would not apply.

Any use of unilateral standards for the imposition of sanctions is troubling. In fact, a GATT panel has found our current law to violate our international obligations. Instead, enforcement actions are most effective when they are based on international consensus, as this bill would establish. Such consensus is more constructive to effective management of the ETP tuna fishery by all countries concerned.

I believe that these standards will serve as a positive incentive to reduce dolphin mortality, while at the same time putting the United States in compliance with international agreements. Proof of the benefits of H.R. 408 is the fact that this legislation is supported by the administration and key environmental groups such as National Wildlife Federation, Center for Marine Conservation, Environmental Defense Fund, Greenpeace, and the World Wildlife Fund.

In addition, our tuna fishing industry supports the bill and our trading partners have indicated that they believe implementation of the bill would put us in compliance with our international obligations. With such a strong and diverse coalition behind this bill, we should strongly support it.

Mr. PALLONE. Mr. Chairman, I yield 1 minute to the gentleman from Wisconsin [Mr. KLUG].

Mr. KLUG. Mr. Chairman, let me respond, if I could, to the gentleman from New Jersey [Mr. SAXTON], my good friend. Unfortunately in this case, I need to make the point to him that during the last 18 months, four record-breaking seizures of cocaine on fishing vessels have been made by the United States and other authorities. I think in a year when this body was highly critical of Mexico's ability and willingness to cooperate with the crackdown on drugs, we should be extremely cautious about providing another opportunity to penetrate our borders and circumvent our loss.

On behalf of the Humane Society of the United States, I will include for the RECORD a document, I would like to introduce a document analyzing and documenting the relationship between the growing drug trade, Mexican tuna fishing and a history of United States seizures of foreign fishing vessels.

I continue to support measures to protect dolphin, but at the same time I am worried that passage of the International Dolphin Conservation Program Act may lead to a different and more serious problem. I want to save dolphins, but it seems to me that stopping drugs is critically important at the same time. So unfortunately, I have to oppose this measure. Mr. Chairman, I include for the RECORD the document to which I earlier referred.

LIFTING THE TUNA EMBARGO AND CHANGING THE DOLPHIN SAFE LABEL: THE PREDICTED IMPACT ON NARCOTICS TRAFFICKING

How are Drug Smuggling and our Tuna/dolphin Laws Related? Narcotics smuggling and dolphin-deadly tuna fishing by chasing and encircling dolphins with purse-seine nets take place in the eastern tropical Pacific Ocean (ETP). Mexico, which wants the U.S. to change its laws to re-open our market to tuna caught this way, is also a major narcotics trafficking country with smuggling operations in the ETP.

The Flow of Narcotics into the United States: According to the U.S. Drug Enforcement Administration (DEA), over 70% of all cocaine entering the U.S. comes through Mexico. At least two-thirds of the cocaine that enters Mexico is shipped in maritime vessels from other Latin American countries—at least 275 tons of cocaine transit the ETP every year. It is then smuggled into the U.S. over various land and water routes from Mexico into California, Arizona, and Texas.

Narcotics Travel via Eastern Tropical Pacific Ocean: Maritime vessels, such as fishing trawlers and cargo ships, are becoming more widely used by drug cartels to smuggle cocaine because the risk of capture is so low: The vastness of the ocean makes intercepting ships nearly impossible. In fact, U.S. law enforcement officials have stated that, without informants, drug shipments in maritime vessels are essentially impossible to detect. Drug interdiction in the eastern Pacific is made more difficult because the U.S. has few law enforcement cooperative agreements with Pacific nations. Even when ships are apprehended, actually finding the drugs is extremely difficult, because the illicit cargo is hidden in hard-to-find compartments. Moreover, many fishing vessels are equipped with radar and scanners that allow them to determine if they are being followed, giving them an edge over law enforcement officials.

Tuna-type Vessels are Well-suited for Narcotics Tafficking: A class 5 or 6 tuna vessel—the type used to set purse-seine nets on dolphins—is capable of concealing multi-ton shipments of cocaine with much less risk of discovery than other smuggling methods. Class 5 and 6 tuna vessels fish on the high seas for months at a time. Although they may embark for specific fishing areas, these areas cover hundreds of square miles. Furthermore, unlike a cargo vessel, which generally travels directly from point "A" to point "B," a fishing vessel may traverse an area many times—creating unique opportunities for transporting illegal goods.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. FARR].

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding. I want people to take a look at what they are being asked to do. They are being asked to vote for a bill and the title of the bill is the International Dolphin Conservation Program Act.

Now, what it is all about is the strength of American markets. The

reason we have practices that say we have to fish safe for dolphins is because of these cans that we sell in American grocery stores, and on them is a symbol that says, dolphin-safe. What we want to do by this law is to change that. We want to change truth in labeling.

□ 1545

This is all about labeling, Mr. Chairman. This is about the U.S. market, this is about the U.S. consumers, this is about us. What it is about is that this bill says because of a 1991 trade dispute, that we ought to let that dispute dictate how we sell products in American stores.

This is all wrong, because what this bill recognizes is that in the process of doing that we will double the number of dolphin that will be killed. This is about access to American markets. It is about corporations who are using the American markets to sell their product, the tuna that are caught in the oceans far off our coastline, but because the American public buys so much tuna, they know they can only sell it in this country if they do it the way the consumers want to do it.

Along comes a law and says, hey, let us change that. Let us change the labeling on the can, let us change the practices, so in fact we can go out and in the process we may kill more dolphins. That is not what the American public wants. The consumer does not want to be tricked, does not want to be cheated. Remember, the consumers are the ones that started this process. I urge a "no" vote on the bill.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KOLBE], who knows as well as I do that this legislation does not allow foreign fishermen to land in the United States, and therefore there is no increased possibility of drug traffic.

Mr. KOLBE. Mr. Chairman, I rise in strong support of H.R. 408, the International Dolphin Conservation Program Act. I think it is an exceptional bill. It provides an international solution to an international problem, the regulation of tuna fishing in the open seas. It is a good bill. It reflects a compromise among many competing interests.

In recent years tuna fishermen have developed new, innovative methods which enable them to capture tuna without ensnaring dolphins at the same time. In addition, tough new monitoring procedures have been instituted and international oversight responsibilities strengthened. Over time these procedures have been increasingly internationalized, most recently through permanent binding procedures set forth in the Declaration of Panama.

By implementing the Panama Declaration, H.R. 408 brings us along to the next step in this evolutionary process. It provides incentives needed for other nations to remain in compliance by providing those nations who abide by the agreement with access to an important export market. Make no mistake about it, these market incentives are absolutely critical to the continued success of the program.

Mr. Chairman, we do not have to endanger the future of our tuna stocks and needlessly put sea turtles and other species at risk, jeopardize the continued viability of a successful dolphin protection program, and renege on our international obligations to save an extremely small number of dolphins. That is absolutely senseless, especially when we have the technology to protect these species and protect dolphins. I urge Members' support of H.R. 408.

But first, I think we need to put a little historical perspective on this debate, Mr. Chairman.

In the mid-1970's dolphin mortality rates were clearly at unacceptable levels. Over 500,000 dolphins were killed each year in pursuit of tuna stocks. In response to this unacceptable loss of life, 5 years ago the United States placed an embargo on the importation of any tuna caught using primitive encirclement measures.

It locks in the reforms of the Panama Declaration, reiterates our support of the International Dolphin Conservation Program [IDCP], and strengthens compliance procedures.

The procedures required under the Panama Declaration are costly: on-board observers on all tuna boats, individual boat licensing, and use of nets and divers to ensure the safety of the dolphin population. Without the U.S. market as an incentive, these nations are bound to revert to destructive fishing practices of the past, and we'll end up with dolphin kill ratios as high as we had in the 1970's and 1980's. If we don't act today and enact this legislation, we will turn back on treaty obligations negotiated in good faith and discourage fishermen from other countries from using safer fishing methods.

But this bill does more than protect dolphins. It provides an effective method to conserve the total marine ecosystem in the eastern Pacific. The fishing practices encouraged by some groups would result in an unreasonably excessive by-catch of a number of different species, including endangered sea turtles, sharks, billfish, and large numbers of tuna and other fish species. In fact, the fishing procedures advocated by some opponents to this bill are likely to endanger the long-term health of tuna stocks themselves as these procedures tend to capture a large amount of immature tuna.

We can do both. And, this bill does both. We have the technology to preserve the marine ecosystem and protect the dolphin. Let's do it. Let's implement this bill. Let's keep the dolphin, and the marine ecosystem, safe. I urge support of H.R. 408.

Mr. PALLONE. Mr. Chairman, I yield 2 minutes to the gentlewoman from Oregon [Ms. FURSE].

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

Mr. Chairman, I am rising in opposition to H.R. 408. I think this is truly an issue of labeling. The American public demanded and came to accept the fact that tuna with the tuna safe label was tuna where dolphins were not harmed.

H.R. 408 does something that I think we should explain. What H.R. 408 does, it says that you can now harass dolphins, you can separate them from their calves. We do not know if that hurts them. You can move them when they are feeding. We do not know if that hurts them, but the American public thinks that that might be harmful. The American public has come to believe that when we say dolphin safe, we mean it. So this is a question of trust.

What H.R. 408 would do is if dolphin were caught in the net, if we went back to that kind of fishing and it was removed while still alive, it would not be counted as a dolphin killed. That is all that H.R. 408 says, is that the dolphin must not be dead. So then they throw this dolphin overboard. How long does it last? We do not know.

What I think we have to understand is that this is a situation of pressure. We have an enormous market, as has been pointed out, and foreign fisheries would like to be part of that market. But our American fisheries have lived by the rules of dolphin safe. Our American fisheries have said that they would abide by U.S. law.

Why are we opening up this great market to foreign fisheries that could allow dolphin to be actually killed, maybe not in sight, but killed, and still have that dolphin safe label?

Mr. Chairman, I think that foreign fisheries will continue to fish in the way they always have, but what we do not have to do is give them access to our markets. The consumers, little children in this country, fought for this label, this dolphin safe label. I think we should protect it and keep it for the American fishery.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Colorado [Mr. SKAGGS].

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

Mr. Chairman, we currently have a voluntary agreement which has resulted in a huge decrease in dolphin mortality associated with tuna fishing. This bill would change U.S. law so that that voluntary agreement can essentially be incorporated into a new binding international agreement and standard.

The issue of dolphin safe labeling is at the heart of this matter. I believe this bill would make that labeling truer; that is, more accurate, not less, and fewer dolphin kills, not more, and with no tuna being able to bear the dolphin safe label if impartial international observers determined there had been any dolphin kills.

Mr. Chairman, this bill locks in a change in fishing practices and standards with a demonstrated track record

of reducing exactly the sort of thing that we want to eliminate, unnecessary mortality for dolphin associated with tuna fishing. I cannot understand why Greenpeace, any number of other reputable environmental organizations, would back this if they did not see that as the truth.

Mr. Chairman, I support this bill. I believe we need to pass it to continue to make progress in further reducing the dolphin mortality associated with fishing for tuna.

I think we all agree about that goal, the goal of saving dolphins. But clearly opinions are divided about the best way to reach it—and so there's a division of opinion about this bill, as there was about the similar bill that passed the House last year but died when the Senate failed to act.

We all remember horrifying images of dolphins dying in fishermen's nets. Those scenes rightly brought a public clamor for urgent action. And, since then we've made real progress. In fact, dolphin mortality in the eastern tropical Pacific has been cut by better than 90 percent.

Many people credit this improvement to the current law setting criteria for labeling tuna sold in the United States as dolphin safe—and there's no doubt that law has helped. But to an even greater extent the progress we've made in the result of an agreement among the nations whose boats fish in the eastern Pacific. And that's the problem, because that agreement is strictly voluntary. It's not binding.

In 1995, an important step was taken when a dozen tuna-catching nations—including the United States—met in Panama to develop a binding international agreement to replace the present, strictly voluntary agreement. The result of those talks was a new framework agreement, known as the Panama Declaration. The purpose of this bill is to implement that declaration, in order to strengthen international conservation programs and to set the stage for further reducing dolphin mortality.

As we consider this bill, we should keep in mind what the Panama Declaration provides, because it goes beyond previous agreements in several important ways.

Under the Panama Declaration, there would for the first time be a firm, binding international commitment to the goal of completely eliminating dolphin loss resulting from tuna fishing in the eastern Pacific Ocean. In addition, the declaration would provide new, effective protection for individual dolphin species—biologically based mortality caps that will provide important new safeguards for the most depleted dolphin populations. And the Panama declaration provides for the world's strongest dolphin monitoring program, with independent observers on every fishing boat.

Implementation of the Panama Declaration depends upon the changes in United States law that would be made by this bill. Among other things, these changes will lift restrictions on access to our markets for tuna caught in compliance with the new agreement, including revision of the criteria for labeling tuna as dolphin safe. That change is the most controversial part of the bill, but it is an essential part and should be approved.

Remember, right now, under current law that the dolphin safe label on a can of tuna doesn't necessarily mean that no dolphins died in connection with the catching of those fish. Instead, it just means that the fishermen did not use a school of dolphins as their guide for setting their nets. If that condition is met, the dolphin safe label can be applied even if in fact dolphin were killed.

In contrast, under the Panama Declaration—as implemented by H.R. 408—the term dolphin safe may not be used for any tuna caught in the eastern Pacific Ocean by a purse seine vessel in a set in which a dolphin mortality occurred—as documented by impartial, independent observers.

In other words, it's not true that this bill would destroy the meaning of the dolphin safe label—instead it would make its meaning more specific and more accurate, by imposing a no-mortality standard, while providing for further study of the effects of dolphin-encirclement and a mechanism to again stop that fishing technique if it's determined to have an adverse impact on dolphins.

I think this is a desirable change in the law, one that should be made even if the current law was completely consistent with international trading rules—which it isn't.

And that isn't just my opinion, or the opinion of other supporters of NAFTA and the World Trade Organization. For example, Greenpeace strongly opposed NAFTA, but supports H.R. 408 because they recognize that the Panama Declaration is good conservation policy and this bill to implement that agreement is a good conservation measure—one with sanctions that would be effective because they are part of a binding international agreement, unlike the restrictions in our current dolphin safe law.

Furthermore, we need to recognize that fishing can't be truly dolphin safe unless it's safe for the ecosystem.

Because it focuses on fishing methods, not dolphin mortality, the current labeling law has had serious unintended consequences. Some of the dolphin safe methods tend to result in a catch of primarily juvenile tuna—harmful to the viability of the fishery—or result in numerous catches of other species such as endangered sea turtles or billfish.

In fact, it well may be better for the ocean ecosystem for tuna fishermen to set their nets on dolphins and then to release the dolphins safely when the tuna are harvested—something that is strongly discouraged by the current labeling standard.

So, Mr. Chairman, while I respect the views of its opponents, I think this is a good bill—good for dolphins, good for the ocean ecosystem, and good for our relations with other tuna-fishing countries. It's supported by the administration and the U.S. fishing industry as well as by a number of environmental and conservation groups, including the National Wildlife Federation, the World Wildlife Fund, the Environmental Defense Fund, the Center for Marine Conservation, and Greenpeace. It deserves the support of the House.

Mr. PALLONE. Mr. Chairman, I yield 3 minutes to the gentleman from American Samoa [Mr. FALEOMAVAEGA].

Mr. FALEOMAVAEGA. Mr. Chairman, today we will hear this bill is good for the environment, good for the dolphins, good for other species of fish, and good for the U.S. consumers. I respectfully disagree with such an assessment.

Mr. Chairman, when annual dolphin deaths were 100,000 per year, the U.S. consumers revolted and said they would not buy tuna caught while dolphins were being killed in record numbers, I remind my colleagues. Mr. Chairman, this came about not because of the politicians, not because of the environmentalists, not because of the scientists, but the American consumers. They were the ones that were up in arms.

The record numbers that I mentioned, 100,000 recorded dolphin deaths per year, an estimated 7 million dolphin deaths total, and dolphin stocks depleted to 25 percent of prior levels with no signs of increasing numbers, these numbers were and are staggering, Mr. Chairman.

As a result of the U.S. consumer boycott of canned tuna, the major tuna companies took the lead in changing the methods and locations in which tuna were caught. The result of these changes has been a significant reduction in the number of dolphin deaths from 100,000 per year to less than 2,500 this year. This has been accomplished under current law, and every indication is that the number of dolphin deaths will continue to decline under current law. With a record like that, Mr. Chairman, I find little reason to change the current law.

Mr. Chairman, the history of this legislation is clear. It resulted from negotiations between foreign governments in Central and South America and five environmental groups.

Why do these foreign governments support this legislation? Because they want the money that can be earned from selling their canned tuna in the United States. In fact, Mexico is so concerned about its perceived right to sell canned tuna in the United States that it is prepared to renew a trade action against the United States because our laws currently do not permit tuna caught by chasing and encircling dolphins to be sold here.

Mr. Chairman, from Mexico's perspective our effort to protect the lives of dolphins is an illegal trade barrier, and the Mexican Government has told the United States Government in no uncertain terms that if we do not change our laws, and I want to emphasize, if we do not change or amend our laws so more dolphins can be killed each year, Mexico will file an action against the United States with the World Trade Organization.

Mr. Chairman, I submit, Congress is presented with the agreement, and is told now, take it or leave it. I respectfully ask my colleagues, vote this legislation down.

Mr. Chairman, I rise today in strong opposition to H.R. 408, a bill which will legalize an increase in the number of dolphin deaths and deceive U.S. consumers who have learned to

trust the dolphin safe label as a sign that dolphins were not harmed during the capture of tuna canned carrying that label. H.R. 408 nearly doubles the number of dolphins which can be killed, and lowers the standards behind the dolphin-safe label.

The supporters of this bill say we need this legislation to further reduce dolphin mortality in future years. If that is true, then I ask why does the legislation permit dolphin deaths to rise to 5,000 per year? This increase will not benefit the dolphins, so I ask you who will benefit from this provision?

I said earlier that one way the dolphin mortality was reduced significantly was that the U.S. tuna fleet changed its location. U.S. tuna boats stopped catching tuna in the eastern tropical Pacific, where the tuna swim under the dolphins, and moved to the western tropical Pacific, where the tuna do not swim under schools of dolphins.

The supporters of this legislation want you to believe that if their legislation is adopted, the fishing fleet will return to southern California, and that tuna canning plants will reopen in southern California. The truth is that cleaning and canning tuna is a labor-intensive industry, and those jobs are not going to go to southern California as long as NAFTA and GATT are in force. In fact, the U.S. tuna industry is one more example of well-paying jobs currently held on U.S. soil which are expected to move to foreign soil over the next few years.

If this legislation is enacted into law, the U.S. tuna fishing fleet will move to Mexico, new cleaning and canning plants will be constructed in Mexico, and then the canned tuna will be shipped into the United States duty-free under NAFTA. Now I ask you, who do you think will benefit from that development?

In an effort to ease tensions between Mexico and the United States, the administration is supporting this agreement, an agreement to which they weren't even a party.

Mr. Chairman, this legislation is about saving dolphins, this is trade legislation masquerading as environmental legislation. What makes the bill even worse is that from the U.S. perspective, this is bad trade legislation. Who benefits from this legislation? Not our constituents.

What the U.S. consumer gets is a watered down definition of the dolphin safe label. Keep in mind that the label does not change, only the meaning of the label. So the typical American consumer will be able to go to a grocery store and see a variety of canned tuna for sale. Some will have the current dolphin safe label and some will not. Unfortunately, because the dolphin safe label will not have changed, many consumers will be deceived into believing that the tuna was caught in a truly dolphin safe manner when in fact that is not the case.

So, I get back to my recurring question: Who benefits from this legislation? Well, the immediate beneficiary of this bill would be Mexico. The Mexican fishing industry gets access to the lucrative United States market for canned tuna. This means more jobs for Mexican fishermen, more jobs for Mexican fish cleaners, more jobs for Mexican truck drivers, more business for the Mexican ports which translates to increased fees paid to the Mexican state and federal governments.

It turns out a lot of people will benefit from this legislation. Unfortunately, none of them are our constituents. What do we get out of this legislation? We get fewer jobs and increased dolphin kills. Some call this win-win legislation.

Last year when we considered this legislation I spoke at length about Samoan culture and my personal experience with dolphins. I mentioned then that the dolphins were not able to speak for themselves, so I would try to look out for their safety. The dolphins still don't have a representative here in Congress. The dolphins didn't have a representative in Panama either when this agreement was negotiated. Maybe that's why some call this win-win legislation. The Mexican fishing industry wins. And I guess, since many of the modern Mexican fishing boats are owned by known drug traffickers, they win too.

So all along I've been asking who wins, when maybe the better question is who loses with this legislation? The U.S. worker loses, the U.S. consumer loses, and the U.S. cities where tuna is shipped from and landed lose, too. That sounds pretty one-sided to me.

Is this win-win legislation? I guess it depends on your perspective, doesn't it?

Mr. Chairman, I include for the RECORD a letter from Gwen Marshall.

The letter referred to is as follows:

In Re: H.R. 408 regarding the Dolphin Safe Tuna issue Scheduled for House Floor Vote, Thursday, May 22, 1997

Attn. those dealing with Environmental & Foreign Trade Issues

Congressional Quarterly has had two great articles on this issue recently, April 12th page 841–2 and April 19th page 908–9 that are required reading for anyone new to this issue. The main reason for this vote is to bring a popular U.S. environment law into compliance with GATT (General Agreement on Tariffs and Trade). Both articles were under the title of Environment so as one considered both an environmental and trade activist I'm hoping to help clarify the environmental position on this issue.

As you know, Greenpeace was one of the larger environmental groups opposed to NAFTA. I worked for them as a canvasser out of the Cincinnati office the summer of the NAFTA campaign. The word at that time was that Greenpeace was feeling financial pressure from the large grantors because of its stand against NAFTA. The environmental community was considered split during the NAFTA campaign but in general the local grassroots type groups were opposed to NAFTA and the larger grant funded groups were in support of NAFTA—the money trail was obvious. Greenpeace has closed its Cincinnati office and many other local offices so they are obviously hurting for money. As sad as it is, it came as no surprise that Greenpeace was willing to sell out their previous position against allowing foreign trade agreements to weaken U.S. environmental law by condoning the results of the 1995 Panama Agreement regarding the Dolphins. Environmental groups, like politicians, can be guilty of finding ways to justify a position for the right amount of money. I'm glad that I've been able to arrange my finances so that I'm not likely to get myself in that unfortunate position.

I know that supporters of H.R. 408 say it will be better for dolphins if the U.S. market is changed as it recommends but they don't account for the fact that the main reason the foreign countries support H.R. 408 is that it would increase their tuna exports to the U.S. market. Increased fishing for tuna in the tropical waters will increase the dolphin mortality over current numbers because more tuna will be caught to sell to the large U.S. market. As you know from the CQ articles, it is not likely that the observer system will actually work since one observer can't be everywhere he needs to be and for financial reasons could probably be paid to look the other way anyway. I apologize for my cynicism but I just can't condone the position that H.R. 408 is what is right for the dolphins. As a mammal, dolphins don't reproduce at the abundant rate that fish do and each dolphin mother has to spend time feeding and raising its young, as do all mammals, so dolphins do need to be protected from fishing techniques that basically mine the sea.

The real reason for H.R. 408 is to help the U.S. avoid embarrassing WTO (World Trade Organization) sanctions and/or fines. Those of us who opposed NAFTA and the creation of the WTO and expansion of GATT said that it would be no time at all before the U.S. started changing its laws to comply with lower international standards. During the debate over GATT expansion, one pro-GATT trade staffer assured me that she was sure the U.S. would pay the fine before they'd ever consider overturning the popular Dolphin Safe Tuna laws. It appears she was wrong. As you know the U.S. Clean Air Act lost in the recent WTO challenge regarding gasoline refined in foreign countries and the EU lost the U.S. challenge regarding their refusal of hormone laden beef. A vote for H.R. 408 is a vote for the U.S. Congress to give away their right to make laws that are popular with the U.S. public.

I understand that some people have adopted "free trade" as a religion just as I have adopted "the right to a healthy existence for all species" as my religion. Free trade agreements' ability to change popular national, regional, and local laws is the real reason for this vote. The complaint with the current Dolphin Law is not that it kills too many dolphins, but that it is in violation of GATT. There is no definite proof that a vote for H.R. 408 would be better for the dolphin as its proponents claim. As an environmentalist, I know we need to look for the truth behind the rhetoric and ask you to do the same and oppose H.R. 408. The religion of "free trade no matter what" does need to be challenged objectively. We can't afford to sacrifice our popular laws to the alter of free trade. Please vote against H.R. 408.

Please feel free to contact me if you want to discuss this further. Leave a message on my answer machine and I can return your call after 3:30 PM. Your support would be appreciated.

Sincerely,

GWEN MARSHALL.

Mr. SAXTON. Mr. Chairman, I yield myself 10 seconds.

Mr. Chairman, I ask the gentleman from American Samoa if he knows that Greenpeace, the World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense Fund all strongly support the bill.

Mr. Chairman, I yield 3½ minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, it never ceases to amaze me that some

people on the other side of this issue state their opinions as fact. I would say they are factually challenged. That is refuted in every single document that we have. When we go into the full House I will submit for the RECORD documents from the Coast Guard, from the Office of Drug Policy, from the DEA, from General McCaffery, stating that their claims are false. Why would they do that?

Well, we have fund-raising letters here from some of their organizations that would like to put money into their campaigns, but there are some general people, I think, that are misinformed. First of all, I would like to say that dolphin-safe is not dolphin-safe under the current system. There is a certain amount and percentage that can actually go into that.

I would like to state to the Members and show them exactly in the rule, in this bill, it says and I quote, No tuna will be labeled dolphin-safe unless absolutely no dolphins were killed. This is verified by an on-board international IATTC observer. These observers are made up of 35 scientists. Some of those are like Scripps Oceanographic and the natural association. These are trained observers, trained, in every single boat.

When Members talk about drug boats, the one they talk about with the cocaine was from Ecuador. That was a dolphin-safe label. They did not even have observers on it. It did not even have fishing equipment on it. It was a drug boat. It had no observers.

When they pull up to a dock, under the current system, it is checked there. We have 100-percent trained observers on every single boat. If there is one dolphin killed in that, then it cannot be dolphin-safe.

Mr. Chairman, we have many officials in other countries that are pro-America, pro-reform. A classic example is Secretary Comacho in Mexico. He is trying to make some changes, to move toward the United States. Do we slap Mexico in the face for positive movements in that? I say no.

Many of our American consumers still mistakenly believe that the dolphin-safe policies protect the labels. It does not. Earth Island gets millions of dollars every year for managing it. That is what is at issue here. They forego that if these countries go in. This is a show-me-the-money debate, not for the debate, what they are talking about.

The groups who are opposed to the bill have conducted one of the most blatant misinformation campaigns I have ever seen. I think it is unfair to the American people. To do this, they would sacrifice the healthy conservation of the entire 8 million miles of the eastern tropical Pacific ecosystem.

Our bill has support by all the diverse groups. Vice President AL GORE, I have the letter here, says that this will strengthen and make safe dolphin mortality, as well as the President, the Secretary of State, and the rest of them.

Mr. SAXTON. Mr. Chairman, if the gentleman will yield to me, I want to emphasize the point the gentleman was making about dolphin-safe. People believe the label on the can actually means dolphin-safe. Is the gentleman aware that in 1993, 4,500 dolphins died as a result of the current practice in the eastern tropical Pacific, and between 9,000 and 13,000 dolphins died in the Sri Lanka fishery during the same year?

Mr. CUNNINGHAM. I am, and it was also put into the dolphin-safe labels.

Mr. SAXTON. Our new system has a target of zero dolphin deaths?

Mr. CUNNINGHAM. Zero.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. BILIRAKIS].

Mr. BILIRAKIS. Mr. Chairman, I rise today in opposition to H.R. 408, a bill that many of my constituents have termed the Dolphin Death Act. Let me begin by saying that I do not impugn the intentions of the bill's sponsors. We all support the goals of a strong economy and the protection of animals.

Let us be clear about what this bill does. It changes the definition of dolphin-safe tuna. H.R. 408 changes the definition of dolphin-safe tuna to allow tuna to be sold under the dolphin-safe label even if dolphins were chased, harassed, or seriously injured by encirclement nets during the tuna catch.

Proponents argue that the bill maintains the validity of the dolphin-safe label because it requires vessel captains to certify that no dolphins were observed dead in the nets.

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Aside from the obvious imperfections in human judgments, dolphin-safe means more than just no dolphins died during the catch. There is a mounting body of scientific evidence that suggests that chasing and encircling dolphins with purse seine nets leads to delayed mortality and decreased reproductive potential. Both essentially weaken dolphin stocks; hardly, I suggest to my colleagues, dolphin-safe.

Several years ago Congress passed laws to embargo the import of tuna caught by setting nets on dolphins. We took this action because it was bad for dolphins then. Nothing has changed, chasing dolphins down with helicopters and speed boats and encircling them with nets is inhumane. It not only causes distress and physical injury, it can also lead to dead dolphins in the future, long after the traumatic chases have ended. Now we are being asked to change our laws because of pressure from other countries and then, to add insult to injury, compound the mistake by selling dolphin deadly tuna under the dolphin-safe label. This is simply wrong.

Mr. Chairman, when someone goes to the supermarket, picks up a can of tuna and sees the dolphin-safe label, he or she expects it to mean what it says. This bill removes, I think, that certainty. I urge my colleagues to oppose passage of this bill. It sets a dangerous precedent that we should soundly reject.

Mr. Chairman, I rise today in opposition to H.R. 408—a bill many of my constituents have termed "The Dolphin Death Act."

Let me begin by saying that I do not impugn the intentions of the bill's sponsors. We all support the goals of a strong economy and the protection of animals. Unfortunately, this bill falls short on the second count. In fact, not only does it fail to adequately protect dolphins, it will contribute to confusion and may mislead consumers about what "dolphin safe" tuna actually means.

Let us be clear about what this bill does: it changes the definition of dolphin safe tuna.

H.R. 408 changes the definition of dolphin safe tuna to allow tuna to be sold under the dolphin safe label even if dolphins were chased, harassed, or seriously injured by encirclement nets during the tuna catch.

Proponents of H.R. 408 argue that the bill maintains the validity of the dolphin safe label because it requires vessel captains to certify that no dolphins were "observed" dead in the nets. Aside from the obvious imperfections in human judgments, dolphin safe means more than just no dolphins died during the catch.

There is a mounting body of scientific evidence that suggests that chasing and encircling dolphins with purse seine nets leads to delayed mortality and decreased reproductive potential. Both essentially weaken dolphin stocks. Hardly dolphin safe.

Several years ago, Congress passed laws to embargo the import of tuna caught by setting nets on dolphins. We took this action because it was bad for dolphins then. Nothing has changed—chasing dolphins down with helicopters and speed boats and encircling them with nets is inhumane. It not only causes distress and physical injury—it can also lead to dead dolphins in the future, long after the traumatic chases have ended.

Now, we are being asked to change our laws because of pressure from other countries and then, to add insult to injury, compound the mistake by selling dolphin deadly tuna under the dolphin safe label. This is simply wrong.

Mr. Chairman, when someone goes to the supermarket, picks up a can of tuna and sees the dolphin safe label, he or she expects it to mean what it says. This bill removes that certainty.

I would urge my colleagues to oppose passage of this bill. It sets a dangerous precedent that we should soundly reject.

Mr. SAXTON. Mr. Chairman, I yield myself 30 seconds.

I would like to say to the gentleman from Florida that we were also concerned about this issue, and we found after months of study no evidence that there is any delayed mortality from animals encircled and harvested in nets. No evidence at all, none, zero, zilch, nada. And so in spite of that, we are authorizing $1 million to study this

very issue because we remain concerned about it. But the fact is, there is no evidence.

Mr. Chairman, I yield 2 minutes and 30 seconds to the gentleman from San Diego, CA [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, this issue invokes a lot of emotion. We all feel very strongly about our bond with dolphins and porpoises. As somebody who spends a lot of time in the ocean, I, no less than anybody else, feel strongly about it.

But this issue really needs to be looked at in the strong light of science. Two major components that we have recognized in the last decade that we have to do if we are going to be responsible to the environment is first abandon the monospecies concept of species management and use multispecies management; look at the big picture from nature's point of view. The other issue is to go from the mononational to the international strategies when we are addressing environmental problems. H.R. 408 makes that transition from the old law that basically only looked at dolphins, only related to the impacts of the environment based on dolphins, but de facto, unintentionally encouraged and actually made basically the only economic opportunity a thing called log fishing, which as many scientists will document, has caused the deaths of endangered species and subspecies that were never meant to be hurt by the original law.

I do not think we should have to make a choice between Flipper over here and the Ninja Sea Turtles over there. I think everyone recognizes that we should look at the big picture from the species management point of view.

The second item is the global approach.

Mr. Chairman, we all remember the gross and graphic photos of dolphins being pulled up in nets and being dragged down. I would ask us all to remember, please remember, that graphic photo was not of an American tuna boat. It was of a foreign tuna boat. We can vote no on this proposal and act like we have washed our hands of the responsibility, but if we walk away from an international agreement to finally make the rest of the world responsible for addressing this problem with us, we will be walking away from an opportunity to save those dolphins for the future.

It is all fine to play Pontius Pilate and wash our hands and say we are so pure because we kept with the old law when we have walked way from this opportunity. I ask Members not to walk away from the opportunity of doing what is right for science, right for the dolphins, right for good environment.

Mr. MILLER of California. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. PALLONE].

Mr. PALLONE. Mr. Chairman, I rise in opposition to H.R. 408.

Mr. Chairman, I believe this legislation allows for the altering of the dolphin-safe definition and permits fishermen to chase and net dolphins. Under H.R. 408, tuna would be labeled as dolphin-safe and permitted to enter the United States even if dolphins were chased, netted or harmed, seriously injured or even killed, as long as the dead dolphin was not observed. I think that was brought home by the gentlewoman from Oregon in what she said.

The current U.S. embargo on nondolphin-safe products has been effective in reducing the number of dolphin deaths. Last year there were only 2,374 dolphin deaths. Unfortunately, the enactment of H.R. 408 will allow for a doubling of last year's mortality rate to be at 5,000. If we look at this chart here, we can see basically the difference between the two piles of dolphins that were killed in 1996 as opposed to the numbers that would be authorized by H.R. 408. Obviously, it is a doubling, a significant difference.

Mr. Chairman, I think that it needs to be stressed that there are other options. The gentleman from California [Mr. MILLER] has introduced the Dolphin-safe Fishing Act, which I have cosponsored. The Miller bill would retain the current definition of dolphin-safe, ensuring that dolphin-safe cannot appear on cans of tuna in which the dolphins were chased, netted, killed, or seriously injured.

So we are not talking about something that is pie in the sky. There is an option. We do not need this bill. And I have to say that, as in the 104th Congress, I will not support a bill that does not include the dolphin-safe definition that I voted for under the Dolphin Protection Consumer Information Act. This is deception. People expect that, when they see the dolphin-safe label, that it means that dolphins are not being killed or seriously harmed or the other things that are going to be allowed under this bill.

I would urge Members of this House not to buckle to foreign demands and not to change our laws without the input from those who fought so hard to make sure the consumer safety standards and environmental concerns are enacted. I feel very strongly that what is going on here is a serious deception to the American public. When they take that can of tuna and it says dolphin-safe, it should mean that.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from San Diego, CA [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, let me just say the 5,000 number is being bandied around as if whatever is on paper ends up being reality. The House of Representatives has to recognize it is a real world out there. The 5,000 number exists in the law today. The mortality rate is half of that. If the industries and the fishermen out there now are not killing at the rate of limit, how can we assume that somehow by keeping the same number it will double the kill? It is irrational. It is trying to play to emotions. Let us try to keep it to science.

Mr. SAXTON. Mr. Chairman, will the gentleman yield?

Mr. BILBRAY. I yield to the gentleman from New Jersey.

Mr. SAXTON. Mr. Chairman, it is also true, is it not, that because of the observers on the boats that will be pursuant to the new law, that we have a realistic target of zero dolphins?

Mr. BILBRAY. That is the goal. Do not accept the old law that has basically caused things that we did not know, but take it one step further and go to zero. Zero option is the goal here. The fact is it is unfair for somebody to take a look at a number that exists today and then try to blame this legislation for possible killings that are not going on today.

Mr. MILLER of California. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the reason we are here is because we fully understand what is attempting to be done in this legislation; that is, to go from the current dolphin kill of 2,400 up to 5,000 with the intent of zero. I appreciate the intent to zero. The 5,000 is not in the law. That is an agreement. That is a voluntary agreement that we have.

The other thing that we know is not real about this is, again, there is an intent to reduce bycatch but there is no requirement that the bycatch be reduced. That is why over 80 organizations, labor organizations, organizations concerned about the humane treatment of animals, environmental organizations have all come out against this legislation.

I appreciate you have five environmental organizations. These are the same people that went out and negotiated along with this administration on NAFTA, told us this would never happen. And now as a result, we are back here because the Mexicans threaten either to kill more dolphins or to go the World Trade Organization and tell us to overturn American laws designed to protect consumers and to protect dolphins. That is why we are here today, because of the arrogance of these people in Mexico who have been fishing dolphins unsafe for the last 10 years.

Mr. SAXTON. Mr. Chairman, may I inquire of the Chair as to the time remaining on each side?

The CHAIRMAN. The gentleman from New Jersey [Mr. SAXTON] has 13½ minutes remaining, and the gentleman from California [Mr. MILLER] has 14½ minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield 1 minute and 30 seconds to the gentleman from Maryland [Mr. GILCHREST], who worked so hard on this bill.

Mr. GILCHREST. Mr. Chairman, I will take a little more time later to explain all of the accusations by the

other side of the aisle, but very quickly now, the reason there are fewer dolphin deaths in the eastern tropical Pacific is precisely because of this legislation. Twelve countries have agreed to use the regime, the structure to ensure that dolphins are not killed.

Prior to this legislation, prior to this agreement, if Members look at this photograph, this is the bycatch that we were living under before. This agreement, if we sign into it, eliminates the bycatch problems. We were up to this number of dolphin deaths.

If we look on the top of this graph, each of these dolphins represent 5,000 dolphins dead. The Panama agreement, as it is now working, reduces this number down to this number. Because of this agreement, a few years ago the maximum number of acceptable dolphin deaths by the Panama agreement was 9,000. There were about 2,500 killed. Who pushed it down to a 5,000 maximum level? The United States.

What is the biological accepted limit for the number of dolphin deaths in the eastern tropical Pacific without endangering the species? Sixty thousand. Not only have we reduced it from 100,000 to 60,000 to 9,000 to 5,000, this legislation and this international agreement is going to push it down to lower than that.

Mr. MILLER of California. Mr. Chairman, I yield myself 15 seconds, to say that the gentleman has the sequence mixed up. It is current law that is driving that down. If we pass this law, we can add a dolphin on the bottom of the chart for the 5,000.

Mr. Chairman, I yield 5 minutes to the gentleman from Michigan [(Mr. BONIOR].

Mr. BONIOR. Mr. Chairman, I thank my colleague, the gentleman from California [Mr. MILLER] for yielding me the time.

When consumers buy a can of tuna fish, American consumers, they buy this can labeled dolphin safe. That label means something to them. It means that they are not, through their purchase, killing dolphins. That is a guarantee that people care about, because after all it was the consumer, it was people who put pressure on the Congress to create the dolphin safe designation in 1990. The label has worked. As tuna fleets have catered to public demands for dolphin safe tuna, the number of dolphins killed each year has dropped from tens of thousands to just over 2,000.

But today we are being asked to pull a fast one on the American public. The bill under consideration would more than double the number of dolphin deaths but leave the dolphin safe label untouched. Consumers will not be told a thing about it. That is wrong.

It would also set a dangerous precedent in our relationships with our neighbor to the south, Mexico, and other trading partners who claim that America's high standards for environmental and consumer protection restrain trade.

At its core this bill is not designed to help the American tuna fleet, which is relatively small. It is designed to head off a contentious encounter with Mexico whose fishing fleet would rather not concern itself with dolphin safety when hauling in tuna. And as bad as this is for dolphins, it sets a precedent for Americans that is even worse.

If we let Mexico and other trading partners dictate our standards, we not only sacrifice our own sovereignty, we sacrifice our safety. We cannot afford to go backwards. We have come forward over the years. This takes us backwards.

America maintains high standards for a reason. Just 2 months ago, nearly 200 school children in my State of Michigan contracted hepatitis A virus from contaminated Mexican strawberries. These poison berries had been illegally slipped into our school lunch program. As a result, health officials had to give shots to more than 11,000 students in Michigan and California who might have been exposed to the virus.

□ 1615

We need to tighten our safety standards, not weaken them.

During the NAFTA debate 4 years ago, treaty proponents promised that the agreement would not be used to weaken U.S. environmental protections. The gentleman from Pennsylvania, [Mr. MURTHA], who walks in front of me now, knows very well. He was there arguing with me on this very point. But today, under this agreement and under GATT, commonsense measures such as increasing inspection of imported food, requiring labels noting country of origin, and providing consumers with the other relevant information are considered tantamount to restricting trade.

So this is an issue we confront with dolphin-safe tuna labeling. Mexico first challenged our labeling law 6 years ago and is still demanding we lower our standards. This bill would do exactly that, and set a bad precedent in the process. It would send a signal to the world that America will weaken our consumer protection if we are challenged by a trading partner.

This is not a precedent we want nor is it one I will accept. America is the leader; we are not a follower. Our environmental and consumer standards are the highest in the world. Let us keep them that way, and I encourage others to meet them.

This bill asks us to condone the slaughtering of thousands of dolphins, then hide the truth from the American public. It will undermine our sovereignty, it will undermine our safety, it will perpetuate this crazy trade scheme we are now involved in around the world.

I urge my colleagues to vote "no" on this bill, and I commend my colleague from California for his leadership in opposition to it.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Chairman, the last speaker, and the gentleman managing the bill, this was so very important to them that under the rule, while they had another half-hour, they spent the whole time on another issue. So this must not be that important an issue for them to support, but it is to the American people.

Under the current system we can actually have a percentage of dolphin that go into a tuna safe label, and the American people are saying no, that is wrong. If we want to turn our heads to that, then we should go ahead and say we protect the old system. If we want to protect the old system that allows us to kill billfish and allows us to kill turtles, allows us to kill endangered species and bycatch, then we should go ahead and do not turn around because the current fishing methods they use damage those systems.

We are trying to improve it. Twelve other nations came together. That is pretty respectable. They are trying to make a change not just because of trade but because they are trying to protect the species for future generations. They understand this is how they make their livelihood and they want that to continue, not to end.

If we take a look at General McCaffrey and every organization, including the Vice President and the President of the United States, they say the gentlemen on the other side are wrong.

Mr. MILLER of California. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. DEUTSCH].

Mr. DEUTSCH. Mr. Chairman, we are here because of GATT and we need to acknowledge that. We are really here because of GATT telling the United States and telling this Congress and telling the American people that we have to follow a certain procedure in terms of dolphin safety.

I want to talk a little bit very quickly about specifics. This bill, if it passes, will allow a procedure in terms of catching tuna which uses dolphins, literally uses dolphins by helicopter sighting, and wraps around the necks of the dolphins, which openly is incredibly disturbing. The way the bill sets up the procedure to allow that fishing method to exist, with observers on tuna boats, is that if they do not kill a dolphin, then it can be labeled safe. And then the next catch, if they kill a dolphin, the next catch is not safe.

If we know the specifics of this legislation, it defies logic. It defies logic to think that it will work. It just cannot work. It is a bad deal for the American people, it is a bad deal for GATT, it is

a bad deal for the dolphins. We can negotiate a better deal, and I urge its defeat.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from the State of Florida [Mr. DEUTSCH] and if he would yield to me for a question, I would ask him this.

We have a domestic law currently which regulates U.S. fishermen. There are 11 other countries in this fishery. What would the gentleman suggest that we do to domestic law to protect dolphins in the international fishery?

We have tried to put in place this international agreement. What would the gentleman suggest if he is opposed to our effort?

Mr. DEUTSCH. Mr. Chairman, I am really talking about the practical level. And hopefully my colleague and I, both of us are well-intentioned with our desires.

But I think on a practical level the Mexicans, and that is what we are really talking about, the Mexican fishermen who want to enter the United States market, which they have not been able to do because of the marketing aspect of dolphin safe tuna, this really changed it.

Mr. MILLER of California. Mr. Chairman, will the gentleman yield?

Mr. DEUTSCH. I yield to the gentleman from California.

Mr. MILLER of California. Mr. Chairman, the gentleman makes an important point. The fact is that the availability is there, as we have suggested, to renegotiate this. Half of the Mexican fleet, in fact, fishes dolphin-safe. The other half has chosen not to do that. And what they would prefer, rather than fish dolphin-safe, is to drive down the laws of the United States.

Mr. SAXTON. Mr. Chairman, I yield myself 10 seconds to say that the gentleman from California just proved my point. He said that half of the international community is not complying. Those were his words. And this agreement brings them voluntarily into compliance.

Mr. MILLER of California. I yield 2 minutes to the gentleman from Ohio [Mr. KUCINICH].

Mr. KUCINICH. Mr. Chairman, why are we giving away our national sovereignty in the name of global trade?

H.R. 408 is a giveaway of our national right to self-determination. What it does is, it repeals the U.S. ban on tuna caught by methods that kill dolphins and depletes the meaning of the dolphin-safe label which American consumers want and count on.

The reason we are here today to consider repealing an important United States law, is because an international panel of trade bureaucrats determined, in a case brought against the United States by Mexican fishing and governmental interests, that the American dolphin-safe standard was a barrier to trade. Get that, a barrier to trade. And a barrier to America's high trade standards.

I believe that the American people do not want to erase significant achievements in consumer workplace and environmental protection. America's high standards should not be for sale nor should they be for trade.

Vote "no" on H.R. 408 and let us preserve our sovereignty. Protect our democratic institutions and carry out our constitutional duties to represent the wishes and the best interests of our constituents rather than international trade bureaucrats.

PARLIAMENTARY INQUIRY

Mr. SAXTON. Mr. Chairman, may I make a parliamentary inquiry at this point?

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. SAXTON. Mr. Chairman, is it not this Member's right to close the debate?

The CHAIRMAN. The gentleman is correct.

Mr. SAXTON. And may I ask for the time remaining on each side?

The CHAIRMAN. The gentleman from New Jersey [Mr. SAXTON] has 9¾ minutes remaining, and the gentleman from California [Mr. MILLER] has 8¾ minutes remaining.

Mr. SAXTON. Mr. Chairman, I yield 1 minute to the gentleman from Maryland, [Mr. GILCHREST].

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding me this time, and I want to respond to the gentleman from New Jersey about his statement where the United States is giving up its sovereignty.

A couple of quick points. When the gentleman from California [Mr. CUNNINGHAM] and myself began to work on this particular issue, to us, to the gentleman from California and myself, this had nothing to do with GATT, it had absolutely nothing to do with NAFTA, it had nothing to do with the World Trade Organization, it had nothing to do with sovereignty of anybody. We knew we were going to retain our sovereignty.

We came up with this regimen, with this idea, with this structure with many other groups, including our U.S. State Department and including Greenpeace, an environmental organization that opposes GATT.

This is not about GATT or NAFTA, this is about protecting dolphins in the eastern tropical Pacific Ocean. This is about protecting the marine ecosystem in the eastern tropical Pacific with an international agreement. This has nothing to do with the U.S. giving up our sovereignty. We, in fact, are imposing this structure on 11 other countries.

So this is about the United States retaining our sovereignty and entering into an international agreement to protect the marine ecosystem in the Pacific Ocean.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I differ with my colleagues on the other side. I think, in fact, we are here because of the international trade agreements. I believe we are here because there are those who insist that somehow that American environmental labor standards will be destroyed on the altar of what is called free trade.

This is a bad bill. It is bad environmental policy, it is bad trade policy, and it is bad foreign policy. It does precisely what we were told NAFTA and GATT would not do: It demands that U.S. sovereignty play second stage to the demands of our trading partners.

I appreciate why the gentleman is involved, and he is involved in good faith in this legislation, but we are here today because of those international agreements, because of those demands of our trading partners that somehow we change the label because they view this as a trade barrier to free trade. Rather than them change the manner in which they fish, rather than their engaging in fishing as our fleet does, as a good portion of the Mexican fleet does, they have chosen to go ahead and to decide to fish in a manner which is dolphin unsafe.

Less than a decade ago, millions of American consumers, led by the schoolchildren of this Nation, demanded the creation of the dolphin protection law because of the needless slaughter of hundreds of thousands of marine mammals by tuna fishermen. The U.S. tuna industry responded by announcing they would only sell dolphin-safe tuna.

The Congress, after lengthy deliberations that included all the stockholders, passed a law establishing dolphin-safe labeling standards. Those efforts have had a dramatic success. That is the current law. Dolphin deaths last year were less than 2,400 dolphins compared to more than 100,000 a few years ago.

The dolphin protection law has worked, but because the bill before us today would renounce the very program that has achieved the goals we sought when the dolphin protection law was enacted, I do not think we should go along with those calls for repeal.

Why on Earth would we so grievously weaken the very law that has worked so well? Not on behalf of American consumers, not on behalf of dolphin protection, no, it is on behalf of Mexico, Venezuela, Colombia, and other nations that are trying a little bit of environmental blackmail. They have said that if we do not weaken our laws, if we do not allow dolphin unsafe tuna into this country, they will go out and slaughter more dolphins.

That is the blackmail. If we do not change our laws that American consumers demand, they reserve the right

to go out and fish in a manner that would cause the slaughter of thousands and thousands, tens of thousands of dolphins. What they will find out is that product is not welcome here and it is not welcome anywhere. We cannot become a party to that deception.

There are some very serious problems with this legislation, and the most important is that it would do exactly what the proponents of the trade agreements pledged it would not do, driving down these environmental standards through pressures from countries who do not want to meet those standards.

Let us be clear. The driving force is Mexico, that does not want to meet these standards for dolphin-safe labeling. The fact is that H.R. 408 allows the dolphin deaths to double. On its way to zero it insists it has to go to 5,000.

The fact is it is a little bit like the balanced budget amendment last night. On our way to a balanced budget in the year 2002, we have to increase the deficit in 1998 and 1999. I do not get it, the American people do not get it, but that is why 80 labor, environmental, animal rights organizations from all across the country and all across the world have joined to oppose this legislation, and we ought to stand with those individuals.

We understand that it is not just about dolphins being killed, it is about, as allowed under this legislation, the continued harassment, the encircling and the injuring of those dolphins. If they can kick a live dolphin overboard, if they can throw them out of the net, then somehow it is all dolphin-safe.

□ 1630

Yet, we do not know that to be true. That is why they have a study. We would suggest maybe they would want to do the study and find out in fact whether it is true or not before they decide to change the label and allow people to fish in the dolphin unsafe fashion.

Mr. Chairman, I yield 2 minutes to the gentleman from Pennsylvania [Mr. KLINK].

Mr. KLINK. Mr. Chairman, I thank the gentleman from California [Mr. MILLER], who was on a pretty good roll. I think he was making some very good points, and I appreciate him taking the time to yield to me.

The bottom line for me, Mr. Chairman, is that the Americans, as the gentleman from California [Mr. MILLER] said, made a decision and, in fact, they said we are not going to buy tuna, we are going to boycott this product until we are sure that these dolphins are not being killed. At least it is held at a minimum. So the Americans decided and this Congress decided that we were going to enact a law. We took a course of action.

Mexico did not like that course of action. But you know what? They do not control the United States Congress in Mexico. We control the United States Congress. At least, I thought we did, until we finally came up with something that was passed back in 1994 by a lame-duck Congress called GATT. And this has really left us with the situation right now where, in order to try to comply with the terms of the new GATT, we have some people in this country, in Washington, DC, that are saying, let us lower our standards in regard to the safety of dolphins, let us not be as concerned as we are with the dolphins.

But at least two stocks of dolphins, the eastern spinner dolphin and the northern offshore spotted dolphin, now are less than 25 percent of their original populations. Although the supporters of H.R. 408 claim these stocks should be recovering and this legislation would allow them to recover, the reality is they are not recovering in spite of years of lowered mortality.

And we believe that the reason for this, the complete lack of recovery, is that the stocks are severely affected by constantly being chased and netted. I agree with the gentleman from California [Mr. MILLER] that there is a threat hanging over these dolphins. The threat is, if we do not pass H.R. 408, if we do not drop our standards for dolphins, that the Mexicans are going to go out, their fisherman are going to go out and even deplete more of the dolphin stock in the eastern Pacific. This is a shame, and we should not put up with it. We should vote against H.R. 408.

Mr. MILLER of California. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I would urge my colleagues to vote against this legislation. I think this is a bad bill. It is bad for the environment. It is bad for the dolphins. It is bad for American trade policy. And I urge the House to vote "no".

Mr. Chairman, I yield back the balance of my time.

Mr. SAXTON. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I would like to comment on one statement that my friend, the gentleman from California [Mr. MILLER] just made. He said, I believe he used these exact words, this bill will drive down environmental standards.

Greenpeace does not think so. That is why they endorsed it. The World Wildlife Fund, the Center for Marine Conservation, the National Wildlife Federation, and the Environmental Defense Fund do not think it will drive down environmental standards either. They think it will help to save endangered species like the sea turtle because of our change in fishing methods mandated under the new bill.

Mr. Chairman, I yield the remainder of our time to the gentleman from Maryland [Mr. GILCHREST].

The CHAIRMAN. The gentleman from Maryland [Mr. GILCHREST] is recognized for 7¾ minutes.

Mr. GILCHREST. Mr. Chairman, I thank the gentleman for yielding. I also want to reemphasize the participation of the gentleman from California, DUKE CUNNINGHAM, in this legislation. His efforts started back in 1992.

It has been mentioned on the floor here a number of times that the United States only has a small fishing fleet related to tuna fish. The reason for that is that our fishing fleet virtually became extinct because of the embargo that we have placed on importing tuna using encirclement of dolphins.

Now while we want to protect the dolphins, and this legislation will in fact protect the dolphins, DUKE CUNNINGHAM and a number of other people along the southern coast of southern California also wanted to protect the livelihood of individuals that fished throughout the Pacific Ocean, especially the eastern tropical Pacific Ocean, to pay their mortgages and raise their children and have a quality of life and standard of living that all of us would want to achieve. And because of the mismanagement of the legislation and because of the lack of ability to come to an international agreement, most of those people lost their jobs.

So what happens? Do we ignore that? I think we, as human beings, are intelligent enough to do two things: Provide jobs for people that need to extract natural resources and, also, protect those natural resources. And that is exactly what this legislation does.

A number of people on the other side of the aisle mentioned numerous times that dolphin deaths have been reduced down to about 2,500. The reason for that is the agreement reached by these 12 countries, which the United States needs to now become a partnership with, these other 11 countries, countries like Belize, Columbia, Costa Rica, Equador, France, Honduras, Mexico, Panama, and Spain.

How do we treat these other countries in the international community? Do we insult them or do we treat them with dignity and respect? Can we solve all the world's environmental problems alone, just the United States, or do we need to have some sense of responsibility on this globe to have an agreement with our neighbors? We cannot solve the environmental problems for this world in the United States alone. We need international agreements.

This international agreement does the two things that we need to have done. It provides jobs for people. It raises their standard of living. And it also protects the environment. This protects the marine ecosystem by looking at it as a complete system.

Now, my colleagues have mentioned a number of times that the dolphin deaths have been reduced dramatically; and, yes, that is correct, because of the Panama agreement. This was under the Marine Mammal Protection Act when just the United States adhered to it.

If you look at the chart over here, each one of these dolphins represents 5,000 deaths. This is under our environmental regulations, the Marine Mammal Protection Act. But we could not do it alone. This is what it looks like now with this agreement, with 12 countries involved in understanding, yes, these 12 countries are going a long way into understanding the mechanics of natural processes. We have to do that.

The next frontier on this planet is not space. The next frontier is understanding how we live on this planet with a bulging population, we cannot do anything about that, with all our neighbors bulging even more than this country, trying to understand how we can fit in with the limited resources. With more people catching fewer fish, we need to produce more fish; and this is the agreement that will do that.

I would like to just go over some of the charges from the other side. Our State Department, our State Department, our U.S. State Department negotiated this deal, not some foreign country. Our State Department negotiated this deal with mutual respect for the countries involved.

The gentleman from Hawaii [Mr. ABERCROMBIE] said that we knuckled under to the State Department because we would not negotiate a change of words in the agreement. Well, the two words that Mr. ABERCROMBIA is talking about is "shall," and Mr. ABERCROMBIA wanted the word "shall"; the agreement says the word "should." We looked into that, and it is unconstitutional for the U.S. Constitution to tell the State Department "you shall do this." It is just a matter of semantics.

Now the label dispute. If you pick up a can of tuna fish, I do not happen to have one right here, but if you pick up a can of tuna fish, it has a little dolphin on it. That dolphin means that that can of tuna fish is dolphin safe. But, in all practicality, nobody in the eastern tropical Pacific, the western tropical Pacific, or anywhere in the Pacific Ocean knows whether or not any of those tuna fish were caught without killing dolphins. There are no observers. There are no observers anywhere. So we just simply do not know.

The present regime of dolphin safe is specific to a gear or a fishing technique. It has nothing to do with whether or not dolphins were killed. What we tried to do in our bill, or what we do in our bill, is to ensure that every single boat that sells tuna fish in the United States, whether they are from Panama, or France, or Belize, or Mexico, or anywhere, every single boat must have a licensed biological observer on board. And if he or she observes a dolphin being killed, they cannot label that dolphin safe.

The gentlewoman from Oregon [Ms. FURSE] talked about the stress of dolphins. I want to show my colleagues the stress of bycatch without this legislation. If you look, you will see sharks, you will see sea turtles, you will see juvenile tuna fish, you will see a whole range of marine mammals. This is not stress, this is death.

Now about the stress of dolphins being encircled. The National Science Foundation in 1992 found absolutely no evidence that dolphins were stressed when they were encircled and then pushed out of the back of the net. California at Berkeley biologists found no evidence of stress in the dolphins. And yet we have put into this bill $1 million to further study this issue. And if we find out that there is any stress at all, then we are going to change the regime.

The issue of sovereignty has come up a number of times. This is not about sovereignty. This is about the United States imposing this regime on 12 other countries. I encourage the House to vote for H.R. 408.

Ms. ESHOO. Mr. Chairman, I rise today in opposition to H.R. 408, the International Dolphin Conservation Program Act. This bill is flawed on several counts. I have two primary concerns. First, the bill doubles the amount of dolphins allowed to be killed every year. Second, it makes a mockery of the dolphin-safe label used on all tuna sold in the United States.

As a supporter of free trade, including NAFTA, I do not believe that trade should be a reason for the United States to change its definition of "dolphin-safe." We can address the specific trade concerns raised by Mexico and other countries which are subject to tuna embargo because of their fishing practices which result in the death of dolphins, without denying or lying to the American consumer.

If we pass H.R. 408, dolphin-safe will merely mean "no dolphin killed," even though dolphins can be chased, encircled, injured, pulled onto a boat and dumped back in the ocean under this bill. This would be considered safe, as long as the dolphin is not seen dying on the boat or in the net. Mother dolphins can be separated from their feeding young, chased dolphins can be exhausted and fatigued to the point of death by cruel practices, but it will be called dolphin-safe under this bill.

I urge my colleagues to reject this bill. Let's keep truth in labeling. Don't lie to the American consumer.

Ms. PELOSI. Mr. Chairman, I rise in opposition to this legislation. H.R. 408 is a deeply flawed bill that threatens marine mammal populations to the benefit of foreign trading partners. This bill is bad for trade, bad for the environment, and bad for consumers.

In 1990, environmental, animal and consumer activists won a victory with the advent of the dolphin-safe label for commercially sold tuna. From that time, no product could be labeled dolphin-safe if the tuna were caught by chasing, harassing, or netting dolphins. The dolphin-safe label has worked to preserve dolphin populations. After Congress adopted its ban of imported tuna caught using enclosure nets in 1992, the dolphin mortality rate dropped from 100,000 per year to 2,754 last year.

The bill before us would change the meaning of dolphin-safe to allow activities that would include highspeed chases with boats and helicopters, the separation of mothers from their calves, the withholding of food from trapped schools and the deliberate injury of dolphins to prevent the school from escape.

In fact, almost any fishing activity would be termed dolphin-safe provided that no dolphins were observed to die during the catch. Prior to the dolphin-safe label, dolphin populations had been depleted by as much as 80 percent. The dolphin-safe label stopped this trend and proved to be one of the most successful consumer initiatives in U.S. history. Americans care about what is left of our natural environment and the threatened creatures who inhabit it.

Dolphin-safe must mean that dolphins are safe and not unnecessarily injured or killed in the hunt for tuna. H.R. 408 allows an increase in dolphin deaths and unlimited injury and harassment of dolphins. That is by no means dolphin-safe.

Proponents of H.R. 408 would have foreign trading partners define our domestic markets without congressional oversight and without public scrutiny. H.R. 408 is designed to solve a trade problem defined by foreign fisheries—not an environmental problem defined by the American public. If enacted, this law would establish a precedent for other labeling laws designed to protect and inform American consumers.

Americans rely on labeling information. We cannot allow foreign interests to determine our domestic priorities and relax our higher environmental standards. If foreign corporations are successful in relaxing our labeling laws, American consumers will not have information about the safety or origin of the products they buy. The dolphin label works and consumers have overwhelmingly supported dolphin-safe tuna at the market. H.R. 408 is an attempt by foreign interests to compete unfairly with American higher standards.

Mr. Chairman, I urge our colleagues to vote against H.R. 408 which would enable us to keep the promise made to the American people. Trade agreements should not result in the weakening of U.S. environmental laws. I urge a "no" vote on the bill.

Mr. STARK. Mr. Chairman, when Congress considered NAFTA, members of this committee received the unqualified assurance form Ambassador Kantor that U.S. environmental laws and standards would not be lowered if Congress approved the agreement.

Well—here we are—about to do just that as we consider the Gilcrest bill and its changes to the dolphin-safe label.

A brief explanation of the fishing techniques of the Mexicans—our trading partner pushing for the change in law—might help the Members understand what is at stake here. Schools of large yellow fin tuna swim beneath schools of dolphins in the eastern tropical Pacific Ocean. The dolphin schools—often 400–500 animals—are chased at high speeds by helicopter and speed boats for periods of 30 minutes to several hours. When the dolphins become too exhausted to swim, encircling nets are dropped around the dolphins and the tuna.

Many dolphins become trapped in the nets and drown. Others die from injury of extreme exhaustion.

After an outcry from Americans, many of them school children, U.S. tuna companies announced in 1990 that they would not buy tuna caught while harming dolphins. The U.S. tuna fleets moved to the waters of the western Pacific nations where the tuna do not swim with the dolphins. The Dolphin Protection Consumer Information Act, 1990, codified that tuna harvested with large-scale nets is not dolphin-safe.

H.R. 408 lowers our labeling standards and misleads the American people. It would allow tuna to be labeled dolphin-safe even though it was caught with encirclement techniques that we know killed and injured hundreds of thousands of dolphins before environmental laws and industry practices changed fishing techniques.

H.R. 408 would allow tuna to be certified "dolphin-safe" merely if an observer didn't see any dolphins die. However, nothing in this bill would preclude severely injured dolphins to be dumped back into the sea to die.

H.R. 408 would condone 5,000 dolphins deaths in 1997 in exchange for a promise of reduced dolphin mortality in future years. If this bill were a serious attempt to reduce dolphin mortality in tuna fishing, it would have started with current mortality levels of 2,574 in 1996.

American consumers—American children—deserve a dolphin-safe label that they can take at face value—one that means what it says. We have a labeling system that consumers trust. Altering the meaning of the label is nothing short of consumer fraud.

Mr. Chairman, I strongly object to our environmental laws being dictated by the Mexican fishing industry and I rise in opposition to H.R. 408.

Mr. BILBRAY. Mr. Chairman, I rise in strong support of H.R. 408, which will lock in strong, enforceable international dolphin protection measures, and prevent the loss of other sensitive or endangered species to "bycatch", such as sharks, sea turtles, and juvenile tunas.

In doing this, I don't intend to talk about sinister foreign policy conspiracies, environmental sovereignty violations, black helicopters, and the like, but rather about marine species management. I strongly believe that the battle for sound species management is never over; it is not accurate or practical to say "well, we took care of that problem in the 1970's or the 1980's, so we don't need to revisit it to make sure it is working the way we intended it to."

We are trying to embrace the idea of moving beyond single-species management to multispecies management, and looking at the big picture, the interrelationship of all species among themselves and the environment. As part of this, we need to pursue expansion of our domestic species management strategies into an international approach; to take the good science that we try to apply to our national environmental plans and use it to address broader concerns.

Some today would prefer to believe that dolphins and only dolphins are the issue at hand. But we have to recognize that the time has come for more global, long-term policies to assure that we address the question of dolphin protection in the big picture.

I think that the Panama Declaration is one of those rare products which recognizes that to be effective, we have to look at the whole environment, and not simply have tunnel vision, or a "species of the month" mentality. We have to be able to expand our perspectives, and move to a broader, more inclusive management approach. This means going beyond simple defense of the status quo.

The status quo is not something that you or I want to carry into the next century, and say "this is the best America and the word could do for the ocean and all its wildlife." We have taken a world leadership role in environmental strategies up to this point. There are those who would say that isolationism, in either trade, or foreign policy, or even environmental issues is the way we should proceed.

I strongly disagree with this philosophy, and believe that we have to maintain our role as the world leader in establishing sound conservation strategies. This is essential if we are to avoid letting problems go unnoticed until they reach crisis proportions, such as a sea turtle population or fish species beginning to "crash" from the law of unintended consequences.

This issue of "bycatch" is one that has to be addressed, and will be addressed in the context of H.R. 408. I doubt that any of us mean to say "the only priority of this Congress is dolphins and only dolphins, and we don't want to be bothered with the accidental destruction of other species other than dolphins".

The agreement which is embodied in H.R. 408 locks in our existing successes in increased dolphin protection, and reduced mortality rates. More importantly, it expands the sophistication of our conservation strategy to take into account the impacts on endangered sea turtles, or billfish, and especially immature and nonmarketable young tuna. We shouldn't focus on one species only, at the expense of others, yet this is what is happening under existing fishing practices.

H.R. 408 does the right thing—it will continue our amazing record of success in balancing strong dolphin protection measures with progressive tuna fishing methods, and expand those protections to include other species which are now being negatively impacted by the old strategy. We need to be brave enough to take this step. We who claim to truly care about the environment have not only the right, but the responsibility, to do the right thing to improve and strengthen our environmental laws when science indicates there is a need to do so.

To my colleagues today, I say this—if we want to truly save dolphins for our children and theirs, and to take a comprehensive approach to protecting sensitive ocean species, then we need to move this bill forward. The President will sign it into law, and sound science and bipartisanship will have triumphed over emotion to do the right thing for our environment. Let's take this step to make that happen. Support H.R. 408.

[From the San Diego Union Tribune, June 7, 1996]

SCIENTIST HAILED FOR SAVING DOLPHINS

(By Steve La Rue)

Dolphin deaths in tuna fishing nets have declined by about 98 percent since 1986 in the Eastern Pacific Ocean, and a San Diego marine scientist will get a large share of the credit tonight when he receives San Diego Oceans Foundation's highest award.

The annual Roger Revelle Perpetual Award will be presented to James Joseph, director of the La Jolla-based Inter-American Tropical Tuna Commission since 1969.

With Joseph at the helm, the eight-nation commission has mounted a sustained effort to reduce drowning deaths of dolphins in tuna fishing nets. Its success could help unlock a decades-old environmental dispute and end a U.S. embargo on tuna caught by boats from Mexico and other countries that look for the popular fish under dolphin schools.

Large tuna often swim under schools of dolphin in the Eastern Pacific Ocean for reasons that are not entirely understood. Fishing boats historically have encircled these surface-swimming schools with their nets, cinched the nets shut at the bottom, then reeled in their catch.

Air-breathing dolphins drowned in vast numbers, because they were snared in the nets and dragged under water. As estimated 133,174 dolphins died this way in 1986, but the total fell to an estimated 3,274 last year, according to the commission.

The decline has come through a variety of measures, including placement of observers on every tuna boat in the Eastern Pacific, newer equipment for some boats, better training of tuna crews and captains, special attention to individual boats with high-dolphin kills and other measures.

Joseph said the dolphin mortality level is now so low that it cannot affect the survival of any of the dolphin species.

"The dolphins increase at a rate of from 2.5 to 3.5 percent per year. The mortality for every (dolphin) stock as a percentage of every stock is less than one-tenth of 1 percent." he said.

In other words, a great deal more young dolphins are born and survive each year than die in tuna nets. There are about 9.5 million dolphins in Eastern Pacific populations in all, and none of their several species—including common, spinner and spotted dolphins—is endangered.

"We continue to take the approach that we can bring it lower, and we continue to work in that direction. It is essential that we keep all of the countries involved in this fishery cooperating in our program," Joseph said.

Commission members include Costa Rica, France, Nicaragua, Panama, the United States, the Pacific island-nation of Vanuatu and Venezuela.

Frank Powell, executive director of Hubbs-Sea World Research Institute and last year's award winner, praised Joseph in a prepared statement as "A first-class biologist who has devoted his entire career to the ocean. He has been instrumental in reducing the number of dolphin fatalities related to tuna fishing."

The award—a wood sculpture of a garibaldi fish that remains in Scripps Bank's La Jolla office—will be presented tonight at the San Diego Oceans Foundation benefit dinner.

The foundation is a volunteer organization committed to preserving San Diego's bays and ocean waters. The Roger Revelle Perpetual Award is named for the late scientist who was a founder of UCSD and director of the Scripps Institution of Oceanography.

Lowering the dolphin kill also was a prelude to the introduction of proposed federal legislation to allow tuna caught by setting nets around dolphin schools to be sold in the United States as "dolphin-safe"—but only if the commission's onboard observers certify that no dolphins were killed.

Under current law, no tuna can be sold as "dolphin-safe" in this country if they are

caught by setting nets around dolphin schools.

The issue also has split environmental groups, Greenpeace, the Center for Marine Conservation, the Environmental Defense Fund, and the National Wildlife Federation support the proposed law. The Earth Island Institute, the Sierra Club, the Humane Society of the United States and the American Society for the Prevention of Cruelty to Animals oppose it.

Because of the current law and other factors, the U.S. tuna fishing fleet, which once numbered 100 vessels and was prominent in San Diego, has shrunk to 40 vessels operating in the Western Pacific and 10 in the Eastern Pacific.

The Earth Island Institute said in a statement that the legislation would allow, "Foreign tuna attained by the blood of dolphins to be sold on U.S. supermarket shelves" and allow "chasing, harassing, injuring, and encircling dolphins as long as no dolphins were 'observed' to be killed outright."

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to H.R. 408, a bill to amend the Marine Mammal Protection Act of 1972.

It is unfortunate that after over 20 years the progress made by the United States tuna industry regarding technology and methods of how to best harvest tuna with the goal of saving dolphins is at risk. It is in the nature of dolphins to swim along with schools of tuna and if the nets are not designed to prevent dolphin capture and subsequent drowning, then many more dolphins will die. The provisions of the Marine Mammal Protection Act of 1972 which protect these dolphins is now on the endangered legislation list by the consideration of H.R. 408.

I would like to remind my colleagues that it is not good public policy to go along to get along, especially in the form of this International Dolphin Conservation Program which would cost more than just the lives of thousands of dolphins. This legislation would renege on an agreement with the American tuna consumer by allowing the dolphin-safe label to be reduced to a ridiculous meaningless state.

Charlie Tuna's proud announcement that Starkist tuna would carry the safe-for-dolphins label heralded the end to consumer boycotts and protests regarding the plight of dolphins as a result of industrial tuna fishing.

Our children have grown up learning to love dolphins from the popular television shows and aquatic attractions around the Nation which feature dolphin exhibitions. Their outstanding abilities to learn and remember complicated tasks have been compared to human beings. The remarkable thing about dolphins is that they harbor no harm toward human beings and have been an aid to us as we attempt to better understand the oceans which comprise three-fifths of the Earth's surface.

Today, this Congress should not leave the dolphins' fate to the four winds. The American consumer demonstrated their commitment to the preservation of the dolphins during the 1970's with boycotts of tuna sales and public demonstrations indicating a willingness to pay more per can for tuna if that is what it would take to save them. The American consumer insisted on knowing which companies were and were not complying with better methods of harvesting tuna by the display of the tuna safe symbol.

I ask that my colleagues vote against this measure and work to move other countries to our environmental high ground.

The CHAIRMAN. All time has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the CONGRESSIONAL RECORD and numbered 1 pursuant to clause 6 of rule XXIII is considered as an original bill for the purpose of amendment and is considered read.

The text of the amendment in the nature of a substitute is as follows:

Strike all after the enacting clause and insert in lieu thereof the following:

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "International Dolphin Conservation Program Act".

(b) REFERENCES TO MARINE MAMMAL PROTECTION ACT.—Except as otherwise expressly provided, whenever in this Act 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 Marine Mammal Protection Act of 1972 (16 U.S.C. 1361 et seq.).

SEC. 2. PURPOSE AND FINDINGS.

(a) PURPOSE.—The purposes of this Act are—

(1) to give effect to the Declaration of Panama, signed October 4, 1995, by the Governments of Belize, Colombia, Costa Rica, Ecuador, France, Honduras, Mexico, Panama, Spain, the United States of America, Vanuatu, and Venezuela, including the establishment of the International Dolphin Conservation Program, relating to the protection of dolphins and other species, and the conservation and management of tuna in the eastern tropical Pacific Ocean;

(2) to recognize that nations fishing for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortality associated with that fishery; and

(3) to eliminate the ban on imports of tuna from those nations that are in compliance with the International Dolphin Conservation Program.

(b) FINDINGS.—The Congress finds the following:

(1) The nations that fish for tuna in the eastern tropical Pacific Ocean have achieved significant reductions in dolphin mortalities associated with the purse seine fishery from hundreds of thousands annually to fewer than 5,000 annually.

(2) The provisions of the Marine Mammal Protection Act of 1972 that impose a ban on imports from nations that fish for tuna in the eastern tropical Pacific Ocean have served as an incentive to reduce dolphin mortalities.

(3) Tuna canners and processors of the United States have led the canning and processing industry in promoting a dolphin-safe tuna market.

(4) 12 signatory nations to the Declaration of Panama, including the United States, agreed under that Declaration to require that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with a commitment and objective to progressively reduce dolphin mortality to a level approaching zero through the setting of annual limits.

SEC. 3. DEFINITIONS.

Section 3 (16 U.S.C. 1362) is amended by adding at the end the following new paragraphs:

"(28) The term 'International Dolphin Conservation Program' means the international program established by the agreement signed in La Jolla, California, in June 1992, as formalized, modified, and enhanced in accordance with the Declaration of Panama, that requires—

"(A) that the total annual dolphin mortality in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean not exceed 5,000, with the commitment and objective to progressively reduce dolphin mortality to levels approaching zero through the setting of annual limits;

"(B) the establishment of a per-stock per-year mortality limit for dolphins, for each year through the year 2000, of between 0.2 percent and 0.1 percent of the minimum population estimate;

"(C) beginning with the year 2001, that the per-stock per-year mortality of dolphin not exceed 0.1 percent of the minimum population estimate;

"(D) that if the mortality limit set forth in subparagraph (A) is exceeded, all sets on dolphins shall cease for the fishing year concerned;

"(E) that if the mortality limit set forth in subparagraph (B) or (C) is exceeded sets on such stock and any mixed schools containing members of such stock shall cease for that fishing year;

"(F) in the case of subparagraph (B), to conduct a scientific review and assessment in 1998 of progress toward the year 2000 objective and consider recommendations as appropriate; and

"(G) in the case of subparagraph (C), to conduct a scientific review and assessment regarding that stock or those stocks and consider further recommendations;

"(H) the establishment of a per-vessel maximum annual dolphin mortality limit consistent with the established per-year mortality caps; and

"(I) the provision of a system of incentives to vessel captains to continue to reduce dolphin mortality, with the goal of eliminating dolphin mortality.

"(29) The term 'Declaration of Panama' means the declaration signed in Panama City, Republic of Panama, on October 4, 1995.".

SEC. 4. AMENDMENTS TO TITLE I.

(a) AUTHORIZATION FOR INCIDENTAL TAKING.—Section 101(a)(2) (16 U.S.C. 1371(a)(2)) is amended as follows:

(1) By inserting after the first sentence "Such authorizations may also be granted under title III with respect to the yellowfin tuna fishery of the eastern tropical Pacific Ocean, subject to regulations prescribed under that title by the Secretary without regard to section 103.".

(2) By striking the semicolon in the second sentence and all that follows through "practicable".

(b) DOCUMENTARY EVIDENCE.—Section 101(a) (16 U.S.C. 1371(a)) is amended by striking so much of paragraph (2) as follows subparagraph (A) and as precedes subparagraph (C) and inserting:

"(B) in the case of yellowfin tuna harvested with purse seine nets in the eastern tropical Pacific Ocean, and products therefrom, to be exported to the United States, shall require that the government of the exporting nation provide documentary evidence that—

"(i) the tuna or products therefrom were not banned from importation under this

paragraph before the effective date of the International Dolphin Conservation Program Act;

"(ii) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, such harvesting nation is either a member of the Inter-American Tropical Tuna Commission or has initiated (and within 6 months thereafter completed) all steps (in accordance with article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission) necessary to become a member of that organization;

"(iii) such nation is meeting the obligations of the International Dolphin Conservation Program and the obligations of membership in the Inter-American Tropical Tuna Commission, including all financial obligations;

"(iv) the total dolphin mortality permitted under the International Dolphin Conservation Program will not exceed 5,000 in 1997, or in any year thereafter, consistent with the commitment and objective of progressively reducing dolphin mortality to levels approaching zero through the setting of annual limits and the goal of eliminating dolphin mortality; and

"(v) the tuna or products therefrom were harvested after the effective date of the International Dolphin Conservation Program Act by vessels of a nation which participates in the International Dolphin Conservation Program, and such harvesting nation has not vetoed the participation by any other nation in such Program.".

(c) ACCEPTANCE OF EVIDENCE COVERAGE.—Section 101 (16 U.S.C. 1371) is amended by adding at the end the following new subsections:

"(d) ACCEPTANCE OF DOCUMENTARY EVIDENCE.—The Secretary shall not accept documentary evidence referred to in section 101(a)(2)(B) as satisfactory proof for purposes of section 101(a)(2) if—

"(1) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary to allow a determination of compliance with the International Dolphin Conservation Program;

"(2) the government of the harvesting nation does not provide directly or authorize the Inter-American Tropical Tuna Commission to release complete and accurate information to the Secretary in a timely manner for the purposes of tracking and verifying compliance with the minimum requirements established by the Secretary in regulations promulgated under subsection (f) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)); or

"(3) after taking into consideration this information, findings of the Inter-American Tropical Tuna Commission, and any other relevant information, including information that a nation is consistently failing to take enforcement actions on violations which diminish the effectiveness of the International Dolphin Conservation Program, the Secretary, in consultation with the Secretary of State, finds that the harvesting nation is not in compliance with the International Dolphin Conservation Program.

"(e) EXEMPTION.—The provisions of this Act shall not apply to a citizen of the United States who incidentally takes any marine mammal during fishing operations outside the United States exclusive economic zone (as defined in section 3(6) of the Magnuson Fishery Conservation and Management Act (16 U.S.C. 1802(6))) when employed on a foreign fishing vessel of a harvesting nation which is in compliance with the International Dolphin Conservation Program.".

(d) ANNUAL PERMITS.—Section 104(h) is amended to read as follows:

"(h) ANNUAL PERMITS.—(1) Consistent with the regulations prescribed pursuant to section 103 and the requirements of section 101, the Secretary may issue an annual permit to a United States vessel for the taking of such marine mammals, and shall issue regulations to cover the use of any such annual permits.

"(2) Annual permits described in paragraph (1) for the incidental taking of marine mammals in the course of commercial purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean shall be governed by section 304, subject to the regulations issued pursuant to section 302.".

(e) REVISIONS AND FUNDING SOURCES.—Section 108(a)(2) (16 U.S.C. 1378(a)(2)) is amended as follows:

(1) By striking "and" at the end of subparagraph (A).

(2) By adding at the end the following:

"(C) discussions to expeditiously negotiate revisions to the Convention for the Establishment of an Inter-American Tropical Tuna Commission (1 UST 230, TIAS 2044) which will incorporate conservation and management provisions agreed to by the nations which have signed the Declaration of Panama;

"(D) a revised schedule of annual contributions to the expenses of the Inter-American Tropical Tuna Commission that is equitable to participating nations; and

"(E) discussions with those countries participating or likely to participate in the International Dolphin Conservation Program, to identify alternative sources of funds to ensure that needed research and other measures benefiting effective protection of dolphins, other marine species, and the marine ecosystem;".

(f) REPEAL OF NAS REVIEW.—Section 110 (16 U.S.C. 1380) is amended as follows:

(1) By redesignating subsection (a)(1) as subsection (a).

(2) By striking subsection (a)(2).

(g) LABELING OF TUNA PRODUCTS.—Paragraph (1) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(1)) is amended to read as follows:

"(1) It is a violation of section 5 of the Federal Trade Commission Act for any producer, importer, exporter, distributor, or seller of any tuna product that is exported from or offered for sale in the United States to include on the label of that product the term 'Dolphin Safe' or any other term or symbol that falsely claims or suggests that the tuna contained in the product was harvested using a method of fishing that is not harmful to dolphins if the product contains any of the following:

"(A) Tuna harvested on the high seas by a vessel engaged in driftnet fishing.

"(B) Tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (2).

"(C) Tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets unless the tuna is considered dolphin safe under paragraph (3).

"(D) Tuna harvested by a vessel engaged in any fishery identified by the Secretary pursuant to paragraph (4) as having a regular and significant incidental mortality of marine mammals.".

(h) DOLPHIN SAFE TUNA.—(1) Paragraph (2) of section 901(d) of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)(2)) is amended to read as follows:

"(2)(A) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the vessel is of a type and size that the Secretary has determined, consistent with the International Dolphin Conservation Program, is not capable of deploying its purse seine nets on or to encircle dolphins, or if the product meets the requirements of subparagraph (B).

"(B) For purposes of paragraph (1)(B), a tuna product that contains tuna harvested in the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if the product is accompanied by a written statement executed by the captain of the vessel which harvested the tuna certifying that no dolphins were killed during the sets in which the tuna were caught and the product is accompanied by a written statement executed by—

"(i) the Secretary or the Secretary's designee;

"(ii) a representative of the Inter-American Tropical Tuna Commission; or

"(iii) an authorized representative of a participating nation whose national program meets the requirements of the International Dolphin Conservation Program,

which states that there was an observer approved by the International Dolphin Conservation Program on board the vessel during the entire trip and documents that no dolphins were killed during the sets in which the tuna concerned were caught.

"(C) The statements referred to in clauses (i), (ii), and (iii) of subparagraph (B) shall be valid only if they are endorsed in writing by each exporter, importer, and processor of the product, and if such statements and endorsements comply with regulations promulgated by the Secretary which would provide for the verification of tuna products as dolphin safe.".

(2) Subsection (d) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(d)) is amended by adding the following new paragraphs at the end thereof:

"(3) For purposes of paragraph (1)(C), tuna or a tuna product that contains tuna harvested outside the eastern tropical Pacific Ocean by a vessel using purse seine nets is dolphin safe if—

"(A) it is accompanied by a written statement executed by the captain of the vessel certifying that no purse seine net was intentionally deployed on or to encircle dolphins during the particular voyage on which the tuna was harvested; or

"(B) in any fishery in which the Secretary has determined that a regular and significant association occurs between marine mammals and tuna, it is accompanied by a written statement executed by the captain of the vessel and an observer, certifying that no purse seine net was intentionally deployed on or to encircle marine mammals during the particular voyage on which the tuna was harvested.

"(4) For purposes of paragraph (1)(D), tuna or a tuna product that contains tuna harvested in a fishery identified by the Secretary as having a regular and significant incidental mortality or serious injury of marine mammals is dolphin safe if it is accompanied by a written statement executed by the captain of the vessel and, where determined to be practicable by the Secretary, an observer participating in a national or international program acceptable to the Secretary certifying that no marine mammals

were killed in the course of the fishing operation or operations in which the tuna were caught.

"(5) No tuna product may be labeled with any reference to dolphins, porpoises, or marine mammals, unless such product is labeled as dolphin safe in accordance with this subsection.".

(i) TRACKING AND VERIFICATION.—Subsection (f) of section 901 of the Dolphin Protection Consumer Information Act (16 U.S.C. 1385(f)) is amended to read as follows:

"(f) TRACKING AND VERIFICATION.—The Secretary, in consultation with the Secretary of the Treasury, shall issue regulations to implement subsection (d) not later than 3 months after the date of enactment of the International Dolphin Conservation Program Act. In the development of these regulations, the Secretary shall establish appropriate procedures for ensuring the confidentiality of proprietary information the submission of which is voluntary or mandatory. Such regulations shall, consistent with international efforts and in coordination with the Inter-American Tropical Tuna Commission, establish a domestic and international tracking and verification program that provides for the effective tracking of tuna labeled under subsection (d), including but not limited to each of the following:

"(1) Specific regulations and provisions addressing the use of weight calculation for purposes of tracking tuna caught, landed, processed, and exported.

"(2) Additional measures to enhance observer coverage if necessary.

"(3) Well location and procedures for monitoring, certifying, and sealing holds above and below deck or other equally effective methods of tracking and verifying tuna labeled under subsection (d).

"(4) Reporting receipt of and database storage of radio and facsimile transmittals from fishing vessels containing information related to the tracking and verification of tuna, and the definition of sets.

"(5) Shore-based verification and tracking throughout the transshipment and canning process by means of Inter-American Tropical Tuna Commission trip records or otherwise.

"(6) Provisions for annual audits and spot checks for caught, landed, and processed tuna products labeled in accordance with subsection (d).

"(7) The provision of timely access to data required under this subsection by the Secretary from harvesting nations to undertake the actions required in paragraph (6) of this subsection.".

SEC. 5. AMENDMENTS TO TITLE III.

(a) HEADING.—The heading of title III is amended to read as follows:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM".

(b) FINDINGS.—Section 301 (16 U.S.C. 1411) is amended as follows:

(1) In subsection (a), by amending paragraph (4) to read as follows:

"(4) Nations harvesting yellowfin tuna in the eastern tropical Pacific Ocean have demonstrated their willingness to participate in appropriate multilateral agreements to reduce, with the goal of eliminating, dolphin mortality in that fishery. Recognition of the International Dolphin Conservation Program will assure that the existing trend of reduced dolphin mortality continues; that individual stocks of dolphins are adequately protected; and that the goal of eliminating all dolphin mortality continues to be a priority.".

(2) In subsection (b), by amending paragraphs (2) and (3) to read as follows:

"(2) support the International Dolphin Conservation Program and efforts within the Program to reduce, with the goal of eliminating, the mortality referred to in paragraph (1);

"(3) ensure that the market of the United States does not act as an incentive to the harvest of tuna caught with driftnets or caught by purse seine vessels in the eastern tropical Pacific Ocean that are not operating in compliance with the International Dolphin Conservation Program;".

(c) INTERNATIONAL DOLPHIN CONSERVATION PROGRAM.—Section 302 (16 U.S.C. 1412) is amended to read as follows:

"SEC. 302. AUTHORITY OF THE SECRETARY.

"(a) REGULATIONS TO IMPLEMENT PROGRAM REGULATIONS.—(1) The Secretary shall issue regulations to implement the International Dolphin Conservation Program.

"(2)(A) Not later than 3 months after the date of enactment of this section, the Secretary shall issue regulations to authorize and govern the incidental taking of marine mammals in the eastern tropical Pacific Ocean, including any species of marine mammal designated as depleted under this Act but not listed as endangered or threatened under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.), by vessels of the United States participating in the International Dolphin Conservation Program.

"(B) Regulations issued under this section shall include provisions—

"(i) requiring observers on each vessel;

"(ii) requiring use of the backdown procedure or other procedures equally or more effective in avoiding mortality of marine mammals in fishing operations;

"(iii) prohibiting intentional deployment of nets on, or encirclement of, dolphins in violation of the International Dolphin Conservation Program;

"(iv) requiring the use of special equipment, including dolphin safety panels in nets, monitoring devices as identified by the International Dolphin Conservation Program, as practicable, to detect unsafe fishing conditions before nets are deployed by a tuna vessel, operable rafts, speedboats with towing bridles, floodlights in operable condition, and diving masks and snorkels;

"(v) ensuring that the backdown procedure during the deployment of nets on, or encirclement of, dolphins is completed and rolling of the net to sack up has begun no later than 30 minutes after sundown;

"(vi) banning the use of explosive devices in all purse seine operations;

"(vii) establishing per vessel maximum annual dolphin mortality limits, total dolphin mortality limits and per-stock per-year mortality limits, in accordance with the International Dolphin Conservation Program;

"(viii) preventing the intentional deployment of nets on, or encirclement of, dolphins after reaching either the vessel maximum annual dolphin mortality limits, total dolphin mortality limits, or per-stock per-year mortality limits;

"(ix) preventing the fishing on dolphins by a vessel without an assigned vessel dolphin mortality limit;

"(x) allowing for the authorization and conduct of experimental fishing operations, under such terms and conditions as the Secretary may prescribe, for the purpose of testing proposed improvements in fishing techniques and equipment (including new technology for detecting unsafe fishing conditions before nets are deployed by a tuna vessel) that may reduce or eliminate dolphin mortality or do not require the encirclement of dolphins in the course of commercial yellowfin tuna fishing;

"(xi) authorizing fishing within the area covered by the International Dolphin Conservation Program by vessels of the United States without the use of special equipment or nets if the vessel takes an observer and does not intentionally deploy nets on, or encircle, dolphins, under such terms and conditions as the Secretary may prescribe; and

"(xii) containing such other restrictions and requirements as the Secretary determines are necessary to implement the International Dolphin Conservation Program with respect to vessels of the United States.

"(C) The Secretary may make such adjustments as may be appropriate to the requirements of subparagraph (B) that pertain to fishing gear, vessel equipment, and fishing practices to the extent the adjustments are consistent with the International Dolphin Conservation Program.

"(b) CONSULTATION.—In developing regulations under this section, the Secretary shall consult with the Secretary of State, the Marine Mammal Commission and the United States Commissioners to the Inter-American Tropical Tuna Commission appointed under section 3 of the Tuna Conventions Act of 1950 (16 U.S.C. 952).

"(c) EMERGENCY REGULATIONS.—(1) If the Secretary determines, on the basis of the best scientific information available (including that obtained under the International Dolphin Conservation Program) that the incidental mortality and serious injury of marine mammals authorized under this title is having, or is likely to have, a significant adverse effect on a marine mammal stock or species, the Secretary shall take actions as follows—

"(A) notify the Inter-American Tropical Tuna Commission of the Secretary's findings, along with recommendations to the Commission as to actions necessary to reduce incidental mortality and serious injury and mitigate such adverse impact; and

"(B) prescribe emergency regulations to reduce incidental mortality and serious injury and mitigate such adverse impact.

"(2) Prior to taking action under paragraph (1) (A) or (B), the Secretary shall consult with the Secretary of State, the Marine Mammal Commission, and the United States Commissioners to the Inter-American Tropical Tuna Commission.

"(3) Emergency regulations prescribed under this subsection—

"(A) shall be published in the Federal Register, together with an explanation thereof; and

"(B) shall remain in effect for the duration of the applicable fishing year; and

The Secretary may terminate such emergency regulations at a date earlier than that required by subparagraph (B) by publication in the Federal Register of a notice of termination, if the Secretary determines that the reasons for the emergency action no longer exist.

"(4) If the Secretary finds that the incidental mortality and serious injury of marine mammals in the yellowfin tuna fishery in the eastern tropical Pacific Ocean is continuing to have a significant adverse impact on a stock or species, the Secretary may extend the emergency regulations for such additional periods as may be necessary.

"(d) RESEARCH.—The Secretary shall, in cooperation with the nations participating in the International Dolphin Conservation Program and with the Inter-American Tropical Tuna Commission, undertake or support appropriate scientific research to further the goals of the International Dolphin Conservation Program. Such research may include but shall not be limited to any of the following:

"(1) Devising cost-effective fishing methods and gear so as to reduce, with the goal of eliminating, the incidental mortality and serious injury of marine mammals in connection with commercial purse seine fishing in the eastern tropical Pacific Ocean.

"(2) Developing cost-effective methods of fishing for mature yellowfin tuna without deployment of nets on, or encirclement of, dolphins or other marine mammals.

"(3) Carrying out stock assessments for those marine mammal species and marine mammal stocks taken in the purse seine fishery for yellowfin tuna in the eastern tropical Pacific Ocean, including species or stocks not within waters under the jurisdiction of the United States.

"(4) Studying the effects of chase and encirclement on the health and biology of dolphin and individual dolphin populations incidentally taken in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean. There are authorized to be appropriated to the Department of Commerce $1,000,000 to be used by the Secretary, acting through the National Marine Fisheries Service, to carry out this paragraph. Upon completion of the study, the Secretary shall submit a report containing the results of the study, together with recommendations, to the Congress and to the Inter-American Tropical Tuna Commission.

"(5) Determining the extent to which the incidental take of nontarget species, including juvenile tuna, occurs in the course of purse seine fishing for yellowfin tuna in the eastern tropical Pacific Ocean, the geographic location of the incidental take, and the impact of that incidental take on tuna stocks, and nontarget species.

The Secretary shall include a description of the annual results of research carried out under this subsection in the report required under section 303.".

(d) REPORTS.—Section 303 (16 U.S.C. 1414) is amended to read as follows:

"SEC. 303. REPORTS BY THE SECRETARY.

"Notwithstanding section 103(f), the Secretary shall submit an annual report to the Congress which includes each of the following:

"(1) The results of research conducted pursuant to section 302.

"(2) A description of the status and trends of stocks of tuna.

"(3) A description of the efforts to assess, avoid, reduce, and minimize the bycatch of juvenile yellowfin tuna and other nontarget species.

"(4) A description of the activities of the International Dolphin Conservation Program and of the efforts of the United States in support of the Program's goals and objectives, including the protection of dolphin populations in the eastern tropical Pacific Ocean, and an assessment of the effectiveness of the Program.

"(5) Actions taken by the Secretary under subsections (a)(2)(B) and (d) of section 101.

"(6) Copies of any relevant resolutions and decisions of the Inter-American Tropical Tuna Commission, and any regulations promulgated by the Secretary under this title.

"(7) Any other information deemed relevant by the Secretary.".

(e) PERMITS.—Section 304 (16 U.S.C. 1416) is amended to read as follows:

"SEC. 304. PERMITS.

"(a) IN GENERAL.—(1) Consistent with section 302, the Secretary is authorized to issue a permit to a vessel of the United States authorizing participation in the International Dolphin Conservation Program and may require a permit for the person actually in charge of and controlling the fishing operation of the vessel. The Secretary shall prescribe such procedures as are necessary to carry out this subsection, including, but not limited to, requiring the submission of—

"(A) the name and official number or other identification of each fishing vessel for which a permit is sought, together with the name and address of the owner thereof; and

"(B) the tonnage, hold capacity, speed, processing equipment, and type and quantity of gear, including an inventory of special equipment required under section 302, with respect to each vessel.

"(2) The Secretary is authorized to charge a fee for issuing a permit under this section. The level of fees charged under this paragraph may not exceed the administrative cost incurred in granting an authorization and issuing a permit. Fees collected under this paragraph shall be available, subject to appropriations, to the Under Secretary of Commerce for Oceans and Atmosphere for expenses incurred in issuing permits under this section.

"(3) After the effective date of the International Dolphin Conservation Program Act, no vessel of the United States shall operate in the yellowfin tuna fishery in the eastern tropical Pacific Ocean without a valid permit issued under this section.

"(b) PERMIT SANCTIONS.—(1) In any case in which—

"(A) a vessel for which a permit has been issued under this section has been used in the commission of an act prohibited under section 305;

"(B) the owner or operator of any such vessel or any other person who has applied for or been issued a permit under this section has acted in violation of section 305; or

"(C) any civil penalty or criminal fine imposed on a vessel, owner or operator of a vessel, or other person who has applied for or been issued a permit under this section has not been paid or is overdue, the Secretary may—

"(i) revoke any permit with respect to such vessel, with or without prejudice to the issuance of subsequent permits;

"(ii) suspend such permit for a period of time considered by the Secretary to be appropriate;

"(iii) deny such permit; or

"(iv) impose additional conditions or restrictions on any permit issued to, or applied for by, any such vessel or person under this section.

"(2) In imposing a sanction under this subsection, the Secretary shall take into account—

"(A) the nature, circumstances, extent, and gravity of the prohibited acts for which the sanction is imposed; and

"(B) with respect to the violator, the degree of culpability, any history of prior offenses, and other such matters as justice requires.

"(3) Transfer of ownership of a vessel, by sale or otherwise, shall not extinguish any permit sanction that is in effect or is pending at the time of transfer of ownership. Before executing the transfer of ownership of a vessel, by sale or otherwise, the owner shall disclose in writing to the prospective transferee the existence of any permit sanction that will be in effect or pending with respect to the vessel at the time of transfer.

"(4) In the case of any permit that is suspended for the failure to pay a civil penalty or criminal fine, the Secretary shall reinstate the permit upon payment of the penalty or fine and interest thereon at the prevailing rate.

"(5) No sanctions shall be imposed under this section unless there has been a prior opportunity for a hearing on the facts underlying the violation for which the sanction is imposed, either in conjunction with a civil penalty proceeding under this title or otherwise.".

(f) PROHIBITIONS.—Section 305 is repealed and section 307 (16 U.S.C. 1417) is redesignated as section 305, and amended as follows:

(1) In subsection (a):

(A) By amending paragraph (1) to read as follows:

"(1) for any person to sell, purchase, offer for sale, transport, or ship, in the United States, any tuna or tuna product unless the tuna or tuna product is either dolphin safe or has been harvested in compliance with the International Dolphin Conservation Program by a country that is a member of the Inter-American Tropical Tuna Commission or has initiated steps, in accordance with Article V, paragraph 3 of the Convention establishing the Inter-American Tropical Tuna Commission, to become a member of that organization;".

(B) By amending paragraph (2) to read as follows:

"(2) except in accordance with this title and regulations issued pursuant to this title as provided for in subsection 101(e), for any person or vessel subject to the jurisdiction of the United States intentionally to set a purse seine net on or to encircle any marine mammal in the course of tuna fishing operations in the eastern tropical Pacific Ocean; or".

(C) By amending paragraph (3) to read as follows:

"(3) for any person to import any yellowfin tuna or yellowfin tuna product or any other fish or fish product in violation of a ban on importation imposed under section 101(a)(2);".

(2) In subsection (b)(2), by inserting "(a)(5) and" before "(a)(6)".

(3) By striking subsection (d).

(g) REPEAL.—Section 306 is repealed and section 308 (16 U.S.C. 1418) is redesignated as section 306, and amended by striking "303" and inserting in lieu thereof "302(d)".

(h) CLERICAL AMENDMENTS.—The table of contents in the first section of the Marine Mammal Protection Act of 1972 is amended by striking the items relating to title III and inserting in lieu thereof the following:

"TITLE III—INTERNATIONAL DOLPHIN CONSERVATION PROGRAM

"Sec. 301. Findings and policy.
"Sec. 302. Authority of the Secretary.
"Sec. 303. Reports by the Secretary.
"Sec. 304. Permits.
"Sec. 305. Prohibitions.
"Sec. 306. Authorization of appropriations.".

SEC. 6. AMENDMENTS TO THE TUNA CONVENTIONS ACT OF 1950.

(a) MEMBERSHIP.—Section 3(c) of the Tuna Conventions Act of 1950 (16 U.S.C. 952(c)) is amended to read as follows:

"(c) at least one shall be either the Director, or an appropriate regional director, of the National Marine Fisheries Service; and".

(b) GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.—Section 4 of the Tuna Conventions Act of 1950 (16 U.S.C. 953) is amended to read as follows:

"SEC. 4. GENERAL ADVISORY COMMITTEE AND SCIENTIFIC ADVISORY SUBCOMMITTEE.

"The Secretary, in consultation with the United States Commissioners, shall:

"(1) Appoint a General Advisory Committee which shall be composed of not less than 5 nor more than 15 persons with balanced representation from the various

groups participating in the fisheries included under the conventions, and from nongovernmental conservation organizations. The General Advisory Committee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and shall be given full opportunity to examine and to be heard on all proposed programs of investigations, reports, recommendations, and regulations of the commission. The General Advisory Committee may attend all meetings of the international commissions to which they are invited by such commissions.

"(2) Appoint a Scientific Advisory Subcommittee which shall be composed of not less than 5 nor more than 15 qualified scientists with balanced representation from the public and private sectors, including nongovernmental conservation organizations. The Scientific Advisory Subcommittee shall advise the General Advisory Committee and the Commissioners on matters including the conservation of ecosystems; the sustainable uses of living marine resources related to the tuna fishery in the eastern Pacific Ocean; and the long-term conservation and management of stocks of living marine resources in the eastern tropical Pacific Ocean. In addition, the Scientific Advisory Subcommittee shall, as requested by the General Advisory Committee, the United States Commissioners or the Secretary, perform functions and provide assistance required by formal agreements entered into by the United States for this fishery, including the International Dolphin Conservation Program. These functions may include each of the following:

"(A) The review of data from the Program, including data received from the Inter-American Tropical Tuna Commission.

"(B) Recommendations on research needs, including ecosystems, fishing practices, and gear technology research, including the development and use of selective, environmentally safe and cost-effective fishing gear, and on the coordination and facilitation of such research.

"(C) Recommendations concerning scientific reviews and assessments required under the Program and engaging, as appropriate, in such reviews and assessments.

"(D) Consulting with other experts as needed.

"(E) Recommending measures to assure the regular and timely full exchange of data among the parties to the Program and each nation's National Scientific Advisory Committee (or equivalent).

"(3) Establish procedures to provide for appropriate public participation and public meetings and to provide for the confidentiality of confidential business data. The Scientific Advisory Subcommittee shall be invited to have representatives attend all nonexecutive meetings of the United States sections and the General Advisory Subcommittee and shall be given full opportunity to examine and to be heard on all proposed programs of scientific investigation, scientific reports, and scientific recommendations of the commission. Representatives of the Scientific Advisory Subcommittee may attend meetings of the Inter-American Tropical Tuna Commission in accordance with the rules of such Commission.

"(4) Fix the terms of office of the members of the General Advisory Committee and Scientific Advisory Subcommittee, who shall receive no compensation for their services as such members.".

(c) BYCATCH REDUCTION.—The Tuna Conventions Act of 1950 (16 U.S.C. 951 et seq.) is amended by adding at the end the following new section:

"REDUCTION OF BYCATCH IN EASTERN TROPICAL PACIFIC OCEAN

"SEC. 15. The Secretary of State, acting through the United States Commissioners, should take the necessary steps to establish standards and measures for a bycatch reduction program for vessels fishing for yellowfin tuna in the eastern tropical Pacific Ocean. The program shall include to the extent practicable—

"(1) that sea turtles and other threatened species and endangered species are released alive, to the maximum extent practicable;

"(2) measures to reduce, to the maximum extent practicable, the harvest of nontarget species;

"(3) measures to reduce, to the maximum extent practicable, the mortality of nontarget species; and

"(4) measures to reduce, to the maximum extent practicable, the mortality of juveniles of the target species.".

SEC. 7. EQUITABLE FINANCIAL CONTRIBUTIONS.

It is the sense of the Congress that each nation participating in the International Dolphin Conservation Program should contribute an equitable amount to the expenses of the Inter-American Tropical Tuna Commission. Such contributions shall take into account the number of vessels from that nation fishing for tuna in the eastern tropical Pacific Ocean, the consumption of tuna and tuna products from the eastern tropical Pacific Ocean and other relevant factors as determined by the Secretary.

SEC. 8. POLAR BEAR PERMITS.

Paragraph (5) of section 104(c) of the Marine Mammal Protection Act of 1972 (16 U.S.C. 1374(c)(5)) is amended as follows:

(1) In subparagraph (A), by striking ", including polar bears taken but not imported prior to the date of enactment of the Marine Mammal Protection Act Amendments of 1994,".

(2) By adding the following new subparagraph at the end thereof:

"(D) The Secretary of the Interior shall, expeditiously after the expiration of the applicable 30-day period under subsection (d)(2), issue a permit for the importation of polar bear parts (other than internal organs) from polar bears taken in sport hunts in Canada before the date of enactment of the Marine Mammal Protection Act Amendments of 1994, to each applicant who submits, with the permit application, proof that the polar bear was legally harvested in Canada by the applicant. The Secretary shall issue such permits without regard to the provisions of subparagraphs (A) and (C)(ii) of this paragraph, subsection (d)(3) of this section, and sections 101 and 102. This subparagraph shall not apply to polar bear parts that were imported before the effective date of this subparagraph".

SEC. 9. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act and the amendments made by this Act shall take effect upon certification by the Secretary of State to the Congress that a binding resolution of the Inter-American Tropical Tuna Commission, or another legally binding instrument, establishing the International Dolphin Conservation Program has been adopted and is in effect.

(b) PROVISIONS EFFECTIVE UPON ENACTMENT.—Section 8 and this section shall take effect on the date of enactment of this Act.

The CHAIRMAN. No amendment is in order except the amendment printed in the CONGRESSIONAL RECORD pursuant to clause 6 of rule XXIII by the gentleman from California [Mr. MILLER] or his designee. The amendment shall be considered read, shall be debatable for 1 hour equally divided and controlled by the proponent and an opponent, and shall not be subject to amendment.

Since there are no amendments, the question is on the amendment in the nature of a substitute made in order by the rule as an original bill.

The amendment in the nature of a substitute was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore [Mr. Gillmor] having assumed the Chair, Mr. GUTKNECHT, 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. 408) to amend the Marine Mammal Protection Act of 1972 to support the International Dolphin Conservation Program in the eastern tropical Pacific Ocean, and for other purposes, pursuant to House Resolution 153, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the amendment in the nature of a substitute.

The amendment in the nature of a substitute 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 passage of the bill.

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

Mr. MILLER of California. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 166, not voting 6, as follows:

[Roll No. 151]

YEAS—262

Aderholt	Bilbray	Burr
Archer	Bliley	Burton
Armey	Blumenauer	Buyer
Bachus	Blunt	Callahan
Baker	Boehlert	Calvert
Ballenger	Boehner	Camp
Barr	Bonilla	Canady
Barrett (NE)	Bono	Cannon
Bartlett	Boswell	Cardin
Bass	Boyd	Castle
Bateman	Brady	Chambliss
Bereuter	Bryant	Chenoweth
Berry	Bunning	Christensen

Clement
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
DeLay
Diaz-Balart
Dickey
Dicks
Dingell
Dooley
Doolittle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Etheridge
Everett
Ewing
Fawell
Flake
Foley
Fowler
Fox
Frelinghuysen
Frost
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Hooley
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kasich
Kelly
Kim
King (NY)
Kingston
Knollenberg
Kolbe
LaFalce
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manton
Manzullo
Matsui
McCollum
McCrery
McDade
McHugh
McInnis
McIntyre
McKeon
Mica
Miller (FL)
Minge
Molinari
Mollohan
Moran (KS)
Morella
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pappas
Parker
Pastor
Paxon
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Shadegg
Shaw
Shimkus
Shuster
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Wolf
Young (AK)

NAYS—166

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Barton
Becerra
Bentsen
Berman
Bilirakis
Bishop
Blagojevich
Bonior
Borski
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Carson
Chabot
Clay
Clayton
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dixon
Doggett
Doyle
Engel
Eshoo
Evans
Farr
Fattah
Fazio
Filner
Foglietta
Forbes
Ford
Frank (MA)
Franks (NJ)
Furse
Gejdenson
Gephardt
Gutierrez
Harman
Hastings (FL)
Hilliard
Hinchey
Holden
Horn
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Klug
Kucinich
Lampson
Lantos
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Mascara
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntosh
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Mink
Moakley
Moran (VA)
Murtha
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Pallone
Pascrell
Paul
Payne
Pease
Pelosi
Poshard
Rahall
Rivers
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sanford
Schumer
Scott
Serrano
Sessions
Shays
Sherman
Sisisky
Slaughter
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weller
Wexler
Weygand
Wise
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—6

Andrews
Hyde
Lewis (GA)
Radanovich
Schiff
Snowbarger

□ 1706

Messrs. HORN, McHALE, BILIRAKIS, Ms. ROYBAL-ALLARD, Mr. BISHOP, and Mr. BENTSEN changed their vote from "yea" to "nay."

Messrs. SKEEN, KANJORSKI, and FROST changed their vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. LEWIS of Georgia. Mr. Speaker, I was not present for the vote on H.R. 408, the International Dolphin Program Act. If I had been present I would have voted "no" on H.R. 408.

GENERAL LEAVE.

Mr. SAXTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include extraneous material on the bill just passed.

The SPEAKER pro tempore (Mr. GILLMOR). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

REPORT ON RESOLUTION WAIVING A REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–107) on the resolution (H. Res. 155) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the committee rules, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will entertain 1-minute speeches.

WITHDRAWAL OF SUPPORT FOR H.R. 956, DRUG FREE COMMUNITY ACT OF 1997

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

Mr. WHITFIELD. Mr. Speaker, I was an original cosponsor of H.R. 956, Drug Free Community Act of 1997, and it has been reported out of committee, but after a further review I find that I can not support that legislation and simply note for the RECORD my opposition to the legislation.

BURMA'S ARMY KEEPS ITS GRIP

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

Ms. FURSE. Mr. Speaker, today if my colleagues were to go to visit Nobel prize winner Aung San Suu Kyi they would be blocked at the door of her house because the militarist government of Burma has said no foreigners may visit this great Nobel Peace Prize winner. I want to commend the Clinton administration for having decided to impose new sanctions on Burma because of the increasing repression of the people of Burma.

A recent article in the Washington Post points out that hundreds of university students have been jailed, the military has jailed as many as 300 members of the National League for Democracy, which is the party that Aung San Suu Kyi heads, and she herself has been blocked from making any public statements since November.

Mr. Speaker, it is time that the militarist government of Burma treat this great peace leader with respect and treat the people of Burma who have voted for democracy, treat them with the respect that they deserve. I hope that the Government of the United States will continue to impose sanctions on the Government of Burma, and I encourage Nobel Prize winner Aung San Suu Kyi to realize that there are friends here in the United States who support her.

REPORT OF THE CONFERENCE ON OCEANS AND SECURITY

(Mr. WELDON of Pennsylvania asked and was given permission to address

the House for 1 minute and to revise and extend his remarks.)

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise to acknowledge that we have just concluded one of, if not the largest ever, conferences on the oceans here in Washington. This conference involved 3 days of intensive dialogue between 200 delegates from over 30 nations including large ministerial delegations, 15 ministers as well as parliamentary leaders, large delegations from Russia and Norway, the European continent, Africa, the Americas, as well as other nations, and it was an extremely successful conference. We came under the auspices of the Advisory Committee on Protection of the Seas as well as GLOBE and the Council on Oceanographic Research and Education.

Vice President GORE spoke to our conference last evening in Statuary Hall. Yesterday at lunch the Speaker, the gentleman from Georgia [Mr. GINGRICH], gave the keynote speech. The Secretary of Defense, Secretary of Navy, senior leaders of the administration and a significant number of Members of Congress, including my good friend, the gentleman from California [Mr. FARR] who stayed for the entire conference, had the chance to interact and put together a new comprehensive strategy for the world on helping to cooperate in cleaning up our oceans and our seas.

Mr. Speaker, I include for the RECORD the proceedings and the final recommendations of this conference, and I thank those Members who participated, and I thank all of those who made this conference so successful.

ADVISORY COMMITTEE ON PROTECTION OF THE SEA, DRAFT REPORT OF THE CONFERENCE—OCEANS AND SECURITY, U.S. HOUSE OF REPRESENTATIVES, WASHINGTON, DC, 19–21 MAY 1997

BACKGROUND

1. The international community's efforts to regulate the world's oceans in order to protect and conserve their resources and habitats, and to safeguard their potential for economic development, spans several decades. However, it has only been in recent years that a growing awareness of the pervasiveness of environmental issues has found echo in all fields of human activity. In particular, the role of environmental problems as constitutive of security concerns, in conjunction with the end of the Cold War and the relentless processes of globalisation, has opened a broad horizon for policy definition at both national and multilateral levels that the international community has only just begun to explore.

2. The Conference on Oceans and Security was organised by the Advisory Committee on Protection of the Sea (ACOPS) and was undertaken with the assistance of the office of Congressman Curt Weldon, Chairman of the Research and Development Committee of the Security Committee of the Congress of the United States of America and ACOPS' Vice-President from the United States; Governments of the United States, Canada and Norway; Commission of the European Union; International Fund for Animal Welfare (IFAW); Preston Gates, Ellis & Rouvelas Meeds LLP; Consortium for Oceanographic Research and Education (CORE); and Global Legislators Organisation for a Balanced Environment (GLOBE). The meeting was held in the United States House of Representatives, Washington, D.C. from 19 to 21 May 1997.

PARTICIPANTS

3. The Conference was attended by: the Vice-President of the United States of America, Hon. Al Gore; Speaker of the House of Representatives, Newt Gingrich; Deputy Prime Minister and Minister of National Defense of Portugal, Senhor Antonio Vitorino; Executive Director of the United Nations Environment Programme (UNEP), Ms Elizabeth Dowdeswell; Assistant Secretary General of the United Nations, Dr. Nay Htun; 189 governmental and other participants from Australia, Belgium, Brazil, Cambodia, Canada, China, Colombia, Costa Rica, Croatia, Denmark, India, Japan, Korea, Mexico, Mozambique, Netherlands, New Zealand, Norway, Philippines, Portugal, Russian Federation, the Seychelles, South Africa, Sweden, Thailand, Ukraine, United Kingdom and the United States of America, including seven ministers; representatives of the following intergovernmental organisations: United Nations; UNEP; United Nations Development Programme (UNDP); the World Bank; the International Oceanographic Commission (IOC) of UNESCO; the Organisation of American States (OAS); and the Commission of the European Union; as well as members of the European Parliament and legislatures from Brazil, Philippines, and the United States; representatives of ACOPS and other non-governmental organisations (NGOs); and representatives of the scientific community and private sector. A list of participants appears in this report as Annex I.

MESSAGES

4. Messages in acknowledgement of the Conference's contributions were received from four Heads of States from the Americas, Africa, Asia and Europe, as well as from ACOPS' President, Lord Callaghan, and from ACOPS' Vice-President from the USA, Congressman Curt Weldon.

5. President Bill Clinton of the United States of America extended his best wishes for the success of the Conference and praised the participants in their efforts to promote the sustainable global development of marine resources whilst protecting the marine and coastal environments. He pointed out that this was important not only for our health and quality of life but also for promoting international peace and prosperity.

6. President Nelson Mandela of the Republic of South Africa stated that the marine environment formed a very important and integral part of our ecosystem, and that promotion of the international exchange of information was critical to the advancement of good environmental resource management. The President extended his warmest greetings to the participants and congratulated ACOPS on its initiative.

7. President Fidel Ramos of the Republic of the Philippines welcomed participants to the meeting and drew attention to the success of the ACOPS' Meeting of Environment Ministers of South-East Asia which was held in Manila in December 1996 under his patronage.

8. President Jorge Sampaio of the Republic of Portugal highlighted the contribution of oceans to the welfare and survival of the human race. He added that the Washington Conference and other global and regional programmes consolidated ACOPS' role as a leading international NGO in this field.

9. Lord Callaghan of Cardiff, ACOPS' President and a former Prime Minister of the United Kingdom, expressed his best wishes for this global programme. He emphasised that never before had such an illustrious group of top level policy makers met to discuss vital issues as appeared on the agenda of this Conference.

10. Congressman Curt Weldon of the United States, and ACOPS' US Vice-President, expressed his pleasure at being able to host the ACOPS' 1997 Global Conference on Oceans and Security. He added that the USA had renewed its interest in, and commitment to, the protection of the oceans, and that it was now time to reach the international community to further promote the importance of the world's oceans.

PROCEEDINGS OF THE CONFERENCE

A. Opening of the conference

11. At the opening ceremony, the participants heard the following statements (Annex II contains speeches and statements presented at the Conference):

12. Lord Clinton-Davis, outgoing Chairman of ACOPS, and recently appointed Minister of State for Transport, Department of Trade and Industry of the United Kingdom, emphasised the recognition of the contribution of ACOPS to global and regional ocean management issues at an international level, and stressed the need to integrate sustainability and environmental considerations into all policy making, noting that the management of oceans especially characterise the challenges posed by the goal of sustainability. With reference to the upcoming UNGASS, which should strengthen the oceans agenda, and to the 1998 Year of the Oceans, during which Expo '98 would be held, Lord Clinton-Davis underlined the timeliness of the Conference. He also stressed the new Labour Government's commitment to environmental and ocean issues, and said that as Minister for Trade, he would be particularly keen to develop links between trade and environmental issues which were intrinsically linked.

13. Congressman Curt Weldon expressed his recognition of the work undertaken by ACOPS and highlighted Lord Clinton-Davis' contributions as Chairman. He also noted that the Conference was sponsored by both ACOPS and GLOBE, organisations committed to the goal of sustainable development. Congressman Weldon added that the Republican majority in Congress had enabled him to participate more decisively in the definition of the agenda, which reflected an increasing commitment to environmental concerns, and in particular, to ocean issues. With reference to the need to channel more funds into ocean research, he noted that the recently adopted Oceans Partnership Act had established a framework for greater coordination between federal agencies with responsibilities in ocean research, and emphasised the need to progress more aggressively in strengthening ocean research, and to provide the scientific community with greater access to previously classified technology. Military and environmental concerns should be dovetailed and existing capabilities united to enhance the capability for effective ocean management. He urged participants to ensure that this approach was replicated in other countries and said that each participant should take back an agenda for working with national parliamentary and ministerial leaders. Congressman Weldon also said that it was crucial that this Conference should establish a strong framework for follow up and

implementation, and that he was prepared to ensure that the USA took a lead in advancing this initiative at a global level. He ended by saying that by the Year 2000, a new movement to protect oceans should be established, and in particular, environmental awareness and education should permeate every community, every activity and every country, in order to leave a solid legacy of a clean ocean and a stable global environment.

14. Ms. Elizabeth Dowdeswell registered her gratitude as Executive Director of UNEP for the very significant contributions of ACOPS to the development of UNEP's Ocean and Seas programmes. She said that the Conference should provide a new vision of the oceans that incorporated such elements as equitable participation and technological change.

15. Ms. Dowdeswell underscored her concerns. First, that the oceans could be considered as the last frontier in that there was much mankind still did not know. Secondly, she said that the oceans provided crucial concepts, such as keystone species, and fundamental contributions to the world environment, such as their role in climate change. However, the human race did not treat the oceans with due respect, and the utilisation of the world's oceans as waste receptacles constituted a biological timebomb, while declining fish catches demonstrated the perils of the excessive exploitation of resources. She added that in the latter case, it was developed, and not developing countries, that were largely responsible. Thirdly, Ms. Dowdeswell stressed the links between oceans and freshwater drainage basins, and the negative repercussions on marine ecosystems land activities. She emphasised that protection of marine ecosystems could not be sacrificed to development and economic imperatives, and therefore mankind faced an immense challenge to develop effective coordination mechanisms between ocean and freshwater management. In this context, she highlighted the importance of Integrated Coastal Zone Management (ICZM) as the means of incorporating diverse factors and needs, of achieving integrated policies that went beyond sectoral, fragmented approaches. She noted that UNEP had moved in this direction with its Integrated Water Management Programme, and through the Global Programme of Action, which recognised a link between oceans and chemical management, and which symbolised a clear commitment with the stated objectives.

16. Dr. Nay Htun, Assistant Secretary General of the United Nations and Assistant Administrator of UNDP, also noted the importance and potential of the Conference, and highlighted various considerations. He referred to the political, social and economic consequences of increasing demographic pressure on coastal areas and noted that according to the 1997 Human Development Report, poverty remained pervasive. He stressed that since the problem of poverty was central both to the sustainability of oceans and to security, it played a central part in countries' policies on oceans. However, with regard to the critical and strategic role of coastal zones, he said that there was a clear need to improve governments' responses to ensure the identification and implementation of effective, efficient and relevant measures. Mr. Htun pointed out that to improve the knowledge base and integrate it into economic and developmental policies interactions between land, oceans and atmosphere still required greater research, and made reference to UNDP's role in the promotion of sustainable and equitable development. Stressing once again the inseparable link of life, water, security, oceans, and *homo sapiens*, he expressed the hope that this timely and significant conference would send a strong political message of paramount importance regarding oceans and security.

17. Dr. Kantathi Suphamongkhon presented the speech of Her Royal Highness Princess Professor Dr. Chulabhorn Mahidol of Thailand, Vice-President of ACOPS, and conveyed her apologies for her absence due to official duties.

18. Dr. Suphamongkhon then proceeded to present the Princess' remarks on what she emphasized was a landmark conference since it addressed all sectors of society. She remarked that it was a notable achievement to have brought together policy makers with different ministerial portfolios from many countries and regions. Princess Chulabhorn also referred to objectives and programmes in Thailand, which centre on raising environmental awareness and information dissemination on environmental issues and concerns. She noted that presently Thailand was experiencing rapid economic and industrial growth, and there was a need to ensure that such progress was sustainable, and therefore the Conference should highlight the importance of united economic and environmental security concerns. She stated that remedial measures for environmental protection were more costly than preventive measures, which argued for a holistic approach to managing the planet. The wide range of interests represented in the Conference should enable it to chart new routes for ocean management.

B. Scope and objectives of the conference

19. The Conference was convened at the initiative of Congressman Curt Weldon, and Lord Clinton-Davis. The purpose of the conference was to discuss the issues of environmental, food, and economic security, and related research and defense issues using a multi-sectoral approach to identify problems and propose solutions. With a view towards fulfilling these goals, a broad spectrum of highest-ranking officials representing different government departments were invited to participate. It was hoped that the informal manner in which ACOPS' global and regional conferences traditionally unfold would enable participants to explore solutions to problems in a more comprehensive and independent manner than is customary for diplomatic conferences.

C. Introduction of the main themes of the conference

20. During the last part of the morning session, the four resource persons introduced the main themes of the Conference: economic security, environmental security, food security, and research and defence issues.

Economic security

21. Mr. Andrew Steer, Director of Environment, World Bank, stated in his paper that economic security and the environment were inextricably linked: poverty and market failures drove over-exploitation of natural resources, while rapid economic growth in the absence of sound economic policies and regulatory frameworks led to severe environmental degradation. Erosion of the natural resource base and its productive capacity resulted in economic loss, social conflict and growing political insecurity. Nowhere was this more apparent than in the coastal zone, where two thirds of the world population was concentrated.

22. Mr. Steer went on to say that global dependency on coastal and marine ecosystems for food and livelihoods, coupled with increasing vulnerability of human settlements and investments to human-induced shifts in ocean processes such as climate change and sea level rise, required that appropriate environmental management frameworks and economic policies be put in place to secure sustainable development of marine and coastal resources. Among the most important priorities for the international community to engage in were to: (1) invest in human knowledge; (2) reform economic policies that undermine sustainable use of marine resources; (3) invest directly in marine conservation; (4) ensure adequate funding (e.g. through the GEF, bilateral and multi-lateral programmes); and (5) coordinate efforts regionally. Mr. Steer ended by saying that the World Bank, in partnership with UNDP, UNEP and other international players, was committed to supporting these objectives.

Environmental security

23. The presentation of Dr. Laurence Mee, Coordinator of the GEF Programme for Environmental Management and Protection of the Black Sea and Chairman of ACOPS' Advisory Board on Oceans and Coastal Areas Management, examined the concept of environmental security with particular emphasis on the case of international waters. Feelings of insecurity were themselves driven by uncertainty and unempowerment (a perceived inability to improve the situation). It was suggested that understanding and addressing the root causes of environmental problems could improve individual and collective security. The causes were considered to be market failures, failures in information and understanding, and failures in governance. Dr. Mee said that if mankind was to avoid a serious deterioration in human security in the 21st century, a change in many aspects of lifestyle would be required in order to reduce waste, eliminate over-consumption and to improve the protection of natural habitats and landscapes. He added that in the aquatic environment, particularly urgent action was required to mitigate environmental security hot spots but that actions should not be limited to conflict resolution. An understanding of the root causes of environmental degradation, coupled with individual and collective commitment to take action to address them would inevitably lead to an improvement in long-term security. Work should begin immediately.

Food security

24. Dr. Scott Parsons, Assistant Deputy Minister, Science, Department of Fisheries and Oceans, Canada, stated that food security from world fisheries and aquaculture would depend on implementation of new integrated approaches to resource conservation and management. Production from world fisheries was leveling off after increasing by a factor of five over the past fifty years. Technological innovations and development of a world market in fish products had combined with activities unrelated to fishing to place unprecedented strains on world fish resources, including overfishing, habitat loss due to pollution and physical degradation, and changes in the marine climate. National and international jurisdictional arrangements favoured piecemeal approaches to ocean management. While the problems of world fisheries had become the stuff of headlines, innovative solutions to these were being developed and applied, many involving fundamental shifts in approach. Knowledge of how fish stocks function in an ecosystem context was increasing, thanks to advances in science. New marine management models such as integrated management of marine regions and increasing

use of protected areas were being developed. The widespread implementation of property rights in fisheries in the form of individual transferable quotas (ITQs) over the past ten years showed that movement from theoretical model to implementation of a fundamentally new approach could be rapid. New jurisdictional arrangements at national and international levels were coming into place, which would allow an integrated approach to ocean resource management. Perhaps the most promising recent development was widespread recognition of the need for a precautionary approach to conservation, under which conservation comes first and lack of certainty could not be taken as an excuse for inaction.

Research and defence

25. Admiral Paul Gaffney, Chief of Naval Research, Office of Naval Research, USA, stated that it was readily apparent that environmental issues were being considered more and more in the formulation of national foreign and defence policy. His presentation dealt with two important issues related to environmental security, defence concerns and military scientific efforts. A modern military must be concerned with environmental issues beyond its borders. Environmental degradation, scarcity, and related conditions such as increased population growth, urbanisation, migration, and the spread of infectious diseases had contributed to world instability and many times led to conflicts drawing neighbours and allies into regional turmoil. Modern military establishments were developing preventive defence, which required understanding what conditions had the potential of leading to instability and conflict in the future, and what was needed to address those conditions early enough to make a difference. In the framework of the US military scientific efforts, the US Navy had invested billions of dollars in research that responds to military requirements and needs. This research also served to address issues of great environmental concern. The US Military had a wealth of experience and expertise it could share with the militaries of other nations. US defence environmental programmes were becoming an important tool in which to engage the militaries of new democracies. All must understand such environmental conditions which may generate conflict, in order that conditions for peace may be developed in their place.

D. Panel on oceans and seas of the Americas

26. The co-moderators, Mr. James Baker, Administrator of the National Oceanographic Atmospheric Administration (NOAA), and Mr. Arsenio Rodriguez, Director of the Regional Office for Latin American and the Caribbean, UNEP, introduced the subject to be discussed in the Panel. Mr. Baker reminded participants that oceans played a key role in sustainable development, and that mankind was dependent on them for economic growth, food security, marine transport, tourism, and aquaculture, among others. He underlined that the Americas were endowed with unique and valuable marine resources. He then discussed important factors that were influenced by the oceans, such as climate variability, as exemplified by the El Niño phenomenon, which contributed to national security. As the world emerged from the Cold War, Mr. Baker said that there was a need to ensure civilian applications for military technology.

27. Mr. Rodriguez noted that during the last 20 years, great progress had been made in the identification and conceptualisation of the problems and issues relevant to environmental and ocean management. He also stated that the challenge facing the conference was to further integrated management responses based on international cooperation, given the inability of resolving all problems exclusively through national responses. However, he queried the effectiveness of existing international cooperation and management schemes, and said that the problem nowadays was implementation. Moreover, there was a need to ensure that other sectors of society participate, not just governments.

28. The panellists were: Dr. Otis Brown, MEDEA, Dean, Rosentiel School of Marine and Atmospheric Science, University of Miami; Dr. Gordon Eaton, Director, US Geological Survey; Congressman Sam Farr, House Agriculture Committee, California; Congressman Wayne Gilchrest, Resources Committee, Maryland; Hon Suwit Khunkitti, Minister for Justice, Thailand; Dr. David Lavigne, Executive Director, International Marine Mammal Association; Mr. Victor Lichtinger, Executive Director, Commission for Environmental Cooperation; Mr. José Vicente Mogollón, Former Minister of Environment, Colombia; Mr. Peter Mokaba, Deputy Minister of Environment and Tourism, South Africa; Congressman Frank Pallone, House Commerce and Resources Committee, New Jersey, USA; Senhor Carlos Pimenta, Memer of the European Parliament, President of GLOBE EU; Señor Manuel Rodriguez, Colombia, ACOPS' Vice President from the Wider Caribbean; Dr. Eduardo Verano De La Rosa, Minister of Environment, Colombia; Congresswoman Telma de Souza, Member of the Executive Committee of the Labour Party (PT), Former Mayor of Santos, Brazil; Mr. Ulf Svensson, Assistant Under-Secretary, Ministry of Agriculture and Fisheries, Sweden; Congressman Curt Weldon, Chairman, Sub-Committee of Research and Development of the Committee on National Security, House of Representative, Congress of the USA, and ACOPS' Vice-President from the USA.

29. Minister Khunkitti stressed the interrelation of marine resources and problems and informed participants that Thailand had established national structures to address these issues in the Thai seas.

30. Mr. Eaton spoke of work carried out by the U.S. Geological Survey and said that these activities were of great relevance for addressing diverse concerns related to ocean management.

31. Congressman Farr celebrated the presence of representatives from so many governments and sectors, although lamented the absence of press and media. He noted that this was indicative of the need to involve more people in environmental issues, as well as to bring politics to the local level. Moreover, given the present downsizing tendency and the increasing competition for scarce funds, it was necessary to define measurable goals.

32. Congressman Gilchrest highlighted the need to exchange information, and to ensure that it is disseminated to elected politicians and communities around the globe. He added that population growth was not matched by a parallel increase in natural resources.

33. Mr. Lavigne declared that a gulf existed in fisheries management between theory and practice. Management should take into account not only scientific considerations, but also public opinion, political realities, and cultural and economic considerations. Moreover, there was a need to give scientists greater independence so that their advice and work was not compromised by political decisions. He strongly urged the implementation of the precautionary approach and that priority was given to conservation goals.

34. Mr. Lichtinger stressed that the issues of freshwater and of shared water resources would be of the greatest importance in the next century. Mankind faced great problems of scarcity, yet no attempts had been made to deal with the issue. Water should be used in a more efficient and wise manner, and water consumption should therefore be measured. This objective also depended on active public participation.

35. Mr. Mogollón affirmed that sweeping generalisations could not be made in the environmental sphere, as illustrated by a successful programme adopted in Colombia which led to an increase in mangrove acreage. He went on to refer to the need for greater financing of environmental conservation schemes.

36. Mr. Mokaba began by stating that environmental management was about change, and added that attention should be paid to the linkage between land activities and oceans. He stated that it was important to generate a sense of ownership and participation in people in order to achieve good resource management. However, he reiterated that sustainable economic development depended on good environmental management. In the context of trade, he said that the third world finds itself excluded from trade arrangements and relegated to the periphery, and stated that an African renaissance depended on greater opportunities for commerce. Economic security would also be strengthened by developing interregional trade between Africa and South America. He called for ACOPS to convene a Conference on the problems faced by Africa.

37. Mr. Pimenta called on governments to agree to further emissions reductions within the framework of the Climate Change Convention given that the relationship between climate and oceans was crucial. He added that sources of pollution and sea degradation required permanent international action, and cited as an example tanker washing just beyond EEZ boundaries. Greater enforcement was generally needed.

38. Mr. Manuel Rodriguez considered that the major problem concerns implementation of existing instruments and declarations, and that the major obstacle is one of political will. Moreover there was a need to increase public awareness. He went on to speak about the conflicts of interest that existed between stakeholders and users of land and marine resources, which should be addressed. Resolution of such conflicts required consensus at the national level.

39. Mr. Verano affirmed that the lack of financial resources was not the only factor leading to a lack of progress and action, given the need for a clear definition of issues and for greater consensus building between scientists and politicians. He also addressed the need to internalise environmental externalities which affect marine and coastal resources. however, financial agreements between north and south were needed.

40. Congresswoman Telma de Souza presented a detailed description for the programme for beach recovery implemented in the city of Santos, which had received international recognition. As a concrete example what political will could achieve, she affirmed that such will should also be globalised.

41. Mr. Svensson manifested Europe's interest in the oceans of the Americas, and

noted that issues such as food security were affecting all regions alike, in many cases leading to open conflicts. He suggested that the year of the Ocean be one of full cooperation between regional fisheries organisations. He also addressed the issue of the lack of scientific data, which could limit the possibility of applying the precautionary approach to fisheries. He noted that the release of military data had doubled the amount of information available. He affirmed that there was a need to focus on the consequences of environmental degradation as well as on the links between fisheries and the marine environment, and concerns such as direct habitat destruction. He noted that mankind had before it a series of necessary institutional reforms.

42. Mr. Brown presented a description of the Medea Mission for releasing previously classified data. He noted that one of its objectives was to provide advice on use for data derived from natural security systems, in order to attain a greater understanding of the environment, and especially to oceanography.

43. At the conclusion of the Panel, Congressman Weldon noted with satisfaction that the Conference had begun very successfully, with the endorsement of four heads of state. He asserted that the suggestion of holding a combined ACOPS and GLOBE conference, with ministerial and parliamentary participation was excellent. Equally, a conference should be held, as suggested by Mr. Mokaba, to showcase environmental issues in Africa. He added that the bipartisan support evidenced for this conference showed there was a will for forging ahead on these issues, and that he was interested in proposing to NATO allies and other countries that their military data also be declassified and shared with the international community.

E. Panel on the Pacific Ocean

44. The co-moderators, Dr. Eduardo Verano de la Rosa, Minister of the Environment of Colombia and Mr. Geoffrey Holland, Chairman of OIC of UNESCO and Chairman of ACOPS' Advisory Board on Marine Natural Resources Management chaired this session of the Panel on the Pacific Ocean.

45. Dr. Verano described the varied nature of the geography of the Pacific Ocean, the richness of its resources, the diversity of its culture and the dynamism of its economies. Nearly 20 of the world's largest cities are located on the Pacific coasts which are threatened by population growth pollution, loss of valuable habitat and deterioration of the coastal environment. Mr. Holland recalled several of the points made in the previous day's discussions that would be important to pursue for the Pacific. In particular, the size of the Pacific emphasized the need for cooperation and resources for ocean observation, addressing poverty must be an essential part of environmental solutions, a precautionary approach must be adopted for fisheries and a preventative policy for industrial and agricultural policies.

46. The panelists were: Hon. Senator Heherson Alvarez. Phillippine Senate and ACOPS' Vice President from East Asia; Mr. Jong Hwa Choe, Counsellor, Embassy of Korea; Ambassador John Fraser, Environment Ambassador, Ministry of Foreign Affairs and International Trade, Canada and ACOPS' Vice President; Mr. Joemari D. Gerochi, Under-Secretary, Chief Executive and Legislative Liaison Officer, Department of Agriculture, Republic of the Philippines; Mr. Ian Kiernan, Chairman, Clean up the World and ACOPS' Vice-President from Australia; Dr. Mok Mareth, Minister of Environment, Kingdom of Cambodia; Mr. Tsuyoshi Maruyama, Director of Ocean and Earth Division at the Science and Technology Agency (STA), Japan; Congressman Dana Rohrabacher, House Science Committee, California, USA; and Mr. R. Tucker Scully, Director, Office of Ocean Affairs, US Department of State.

47. Congressman Rohrabacher highlighted the need to utilize military technology in the fight for the environment and quality of life. He saw an equally valuable opportunity in the application of space technology for the resolution of ocean problems. Senator Alvarez, commented that the security of a maritime nation such as the Philippines was dependent on the security of its adjacent oceans. Cooperation in the region is important and ACOPS had great value in promoting communications. An unfortunate situation existed in the South China Seas where disputes over the sovereignty of several small islands was leading to military interventions by the disputing parties, and was hampering joint efforts and actually harming the environment.

48. Ambassador Fraser reminded the meeting that although participation is such a high level gathering was a privilege it also carried a responsibility. Actions were required. The Ambassador challenged the concepts that job creation and environmental protection were alternative choices. On the contrary, in the long term, addressing environmental problems would conserve economies and prosperity.

49. Senator Gerochi reiterated the importance of the ocean to the Philippines, in particular to the fisheries. The Philippine Government had introduced legislation that had sustainable development as an operating principle. Many mechanisms for fisheries management were being adopted at all jurisdictions of government down to local level.

50. Mr. Kiernan brought the concept of people power to the debate. He explained that to bring the environment to the highest priority, one had a empower the public. His own initiative of "Clean up the World" had been taken in 110 countries and involved 40 million people.

51. Mr. Mareth spoke of the problems in Cambodia that his country was trying to address as quickly as possible. A strategy had been adopted to tackle coastal zone issues.

52. Mr. Maruyama brought the perspective of a developed country to the table. He spoke of the high priority Japan accords ocean research, technology and observations. Japan is also supporting the cooperation between the space-based and *in situ* ocean measurements.

53. Mr. Scully reminded the meeting of the intergovernmental agreements that had been motioned since the Rio Conference. In his opinion, the UN Convention on the Law of the Sea (UNCLOS), which came into force in 1994, formed the basis for subsequent agreements. In particular, the several fisheries agreements, signed and awaiting ratification, were a direct follow-up of the UNCLOS provisions. Regional agreements on fisheries and other environmental issues were an important adjunct to global conventions

54. Finally, Mr. Choe, described the situation in Korea, which had a huge 10% of its economy related to the marine environment. Environmental security was an obvious priority of his country.

55. In summing up, the moderators agreed on the following highlights from the discussion and recommended actions:

Disputes amongst countries are an obstacle to environmental cooperation and their resolution is therefore important to the resolution of regional environmental problems.

ACOPS was seen as a valuable mechanism to enhance cooperation and communication amongst nations. Both technology and research are required to address environmental problems so that knowledge and capability are used together.

Global fisheries agreements are now in place awaiting ratification, setting the agenda for future work. More needs to be done to protect pelagia and fish habitat.

Regional agreements are an effective way for nations to cooperate on environmental issues. Governments need to harmonise their policies to ensure the effective interaction of the respective agreements.

Governments need to act now and will need much public pressure to initiate appropriate actions.

F. Panel on the Indian Ocean

56. Mr. Peter Mokaba, Deputy Minister of Environment and Tourism of South Africa and Mr. Terry Jones, Director of Multilateral Affairs of the Ministry of Foreign Affairs, Planning and Environment of Seychelles chaired this session of the Panel on the Indian Ocean.

57. The panellists were: Prof. Dr. Khosla Ashok, President, Development Alternatives, India; Mr. Joseph Belmont, Minister for Administration and Manpower, First Minister Designate, Seychelles; Dr. Robert Corell, Head of Geoscience Directorate, National Science Foundation, USA; Mr. Bernardo Ferraz, Minister for the Coordination of Environmental Affairs, Mozambique; Congressman Peter King, House Foreign Affairs Committee, New York, USA; Dr. Mok Mareth, Minister of Environment, Kingdom of Cambodia; Mr. Philip Reynolds, Manager, Strategic Initiative for Ocean & Coastal Management, UNDP; Congressman Chris Smith, House Foreign Affairs Committee, New Jersey, USA; and Dr. Plodprasop Suraswadi, Director General of the Fisheries Department, Ministry of Agriculture and Cooperatives, Thailand.

58. The panel discussed ——

G. Panel on oceans and the Russian Federation

Dr. Alexander Solovyanov, Deputy Chairman of the State Committee on the Protection of the Environment of the Russian Federation and Senior Policy Adviser to ACOPS, Prof. Vladimir Tetelmin, Deputy Chairman of the Committee on Ecology of the State Duma, Russian Federation, and Coordinator for ACOPS' Russian Programme, and Prof. Vitaly Lystsov, Chairman of ACOPS' Arctic Working Group chaired this session of the Panel on Oceans and the Russian Federation.

The panellists were: Dr. James Baker, Administrator, National Oceanographic and Atmospheric Administration (NOAA), USA; Mrs. Siri Bjerke, State Secretary of the Ministry of Foreign Affairs, Norway; Mr. Mikhail Faleev, Deputy Minister of the Russian Federation for Civil Defence, Emergencies and the Elimination of Consequences of Natural Disasters (EMERCOM); Ms. Sherri Goodman, Deputy Under Secretary of Defence (Environmental Security), USA; Dr. Ljubomir Jeftic, Chairman, ACOPS' Advisory Board on Pollution Control and Prevention; Prof. Dr. Willem J Kakebeeke, Assistant Director General for the Environment, Ministry of Housing, Physical Planning and Environment, The Netherlands; Admiral Igor Kasatonov, First Deputy Commander-in-Chief of the Russian Navy and Chairman of Section No. 2 on Sea and Ocean Studies in the Russian Federation Committee on Science and Technology; Dr. Laurence Mee,

Coordinator, GEF Programme for Environmental Management and Protection of the Black Sea, and Chairman, ACOPS Advisory Board on Oceans and Coastal Areas Management and Policy; Mr. R. Tucker Scully, Director, Office of Ocean Affairs, Department of State, USA; Mr. Vitaly Sevastianov, Member of the State Duma, President of GLOBE, Russia; Colonel Viktor Sheremetyev, Ministry of Defence, Russian Federation; Senator Ted Stevens, Senate Appropriations Committee Chairman, Alaska, USA; Congressman Curt Weldon, Chairman, Sub-Committee of Research and Development of the Committee on National Security, House of Representatives, Congress of the USA, and ACOPS' Vice President from the USA; Dr. Leslie Whitby, Director of Environment and Renewable Resources in the Northern Affairs Programme, Canada; and Congressman Don Young, House Resources Chairman, Alaska, USA.

The panel discussed ——

H. Presentation of recommendations and the Potomac Declaration

Congressman Curt Weldon, Dr. Jeftic, Prof. Per Wramner, and Dr. Sebek chaired this session which was devoted to the presentation of the draft recommendations. The Recommendations are attached to this report as Annex II.

The draft of the Potomac Declaration was prepared on the basis of presentations and statements made during the meeting and on the basis of position papers distributed at the Conference and other relevant materials.

The draft of the Potomac Declaration was discussed in detail and numerous amendments were agreed upon. The Potomac Declaration is presented in Annex IV of this report.

H. Closing of the conference

The closing session, at which short statements were made by ——, was chaired by ——.

It was agreed that the Conference was a great success and that it was not important to implement the recommendations contained in the Potomac Declaration.

FURTHER REPORT ON CONFERENCE OF ADVISORY COMMITTEE ON PROTECTION OF THE SEA

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

Mr. FARR of California. Mr. Speaker, I rise to bring attention to the conference that my distinguished colleague, the gentleman from Pennsylvania [Mr. WELDON] just talked about. We are very blessed in this country to be surrounded by oceans and pay a lot of attention to it, but we really do not pay enough attention because the seas of the world are important to keep us alive. This is a water planet, we are, 78 percent of this globe is water and it is threatened.

□ 1715

One thing that we found out in this conference is that everybody in the world agrees with that and wants to do something about it. If we could just dedicate enough of our commitment to research and science using the military, using the scientific community, the academic community, using the commercial community, and unlock the information about the ocean, at the same time to gather a lot more. In fact, this country spends more on studying the seas of outer planets than we do in studying our own seas, and that is wrong.

The gentleman from Pennsylvania [Mr. WELDON] did an incredible job for this country by leading this conference in the last 3 days. And I just want to urge all of my colleagues, Republicans and Democrats alike, that this is not a partisan battle, this is a world struggle to try to keep our oceans clean, to try to keep our atmosphere from getting overheated so that the oceans will rise, we know those things are going to happen. We have to combat it. I thank the gentleman from Pennsylvania [Mr. WELDON] for his leadership and I look forward to working with my colleagues.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. GILLMOR). 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.

A SPECIAL TRIBUTE TO THE LATE GOVERNOR PETER TALI COLEMAN OF AMERICA SAMOA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 5 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, I rise to honor the memory of a distinguished Pacific leader, the late Uifa'atali Peter Coleman, former Governor of American Samoa, who passed away last month after a long battle with cancer. A dedicated public servant with more than 50 years of public service, Governor Coleman was our first American Samoan statesman, a Pacific American with a truly regional vision. It is that vision for which he will always be remembered by our people.

He was someone important for whom I had tremendous respect. Governor Coleman was always cordial and courteous to me and always extended the hand of friendship. Although we disagreed on certain issues, we agreed on many others, and among them the importance of a strong American presence in the Pacific region.

I learned from him how to handle the stress of political life, how to take the storms in stride and never make a disagreement into a personal matter. He was the kind of individual of whom political opponents like former Governor A. P. Lutali could say, "Uifa'atali and I may have been adversaries in politics, but in life we were always friends."

Mr. Speaker, Governor Coleman exemplified all the traits of a true Samoan leader. He was a soldier and a warrior, a pioneer and a man of vision, a statesman and a man of wisdom. He possessed that quality which Samoans value most in our leaders, that of tofa mamao, which denotes a leader with a sense of vision or understanding and anticipating future events. Above all, Governor Coleman was a humble person who thought less of how he would be remembered in the future than of what he could accomplish today.

Uifaatali Peter Coleman was born on December 8, 1919, in Pago Pago, American Samoa. He received his elementary school education in Tutuila and graduated from St. Louis High School in Honolulu, where he joined the National Guard and enlisted in the U.S. Army at the beginning of World War II. Assigned to the Pacific theater, he was stationed in the Solomon Islands, Vanuatu and Hawaii. By the end of the war, he had risen to the rank of captain. In 1982, for his military service, he was inducted into the U.S. Army Officers' Candidate School Hall of Fame in Fort Benning, GA.

After the war, Governor Coleman enrolled in Georgetown University, and in 1949 he received a bachelor of science degree in economics from that institution. While in college he worked as a staff secretary to a Member of Congress, became a member of the U.S. Capitol Police Force and in what was then the Office of Territories at the U.S. Department of the Interior. He became the first Samoan to my knowledge to receive a law degree from a major U.S. university. After that, he returned to American Samoa, where he became the first Samoan to serve as public defender and later became attorney general.

In 1956, he was appointed Governor of American Samoa by President Eisenhower, one of the first Pacific Islanders to serve as governor in the Pacific. He held that position until 1961.

When American Samoa held its first gubernatorial election in 1977, he ran for office and became the first elected Governor, a position which he held three times. During his elected years in office, he continued to forge close ties between the territory government and Washington DC and with Federal and State agencies and institutions. He was responsible for American Samoa's membership in both the National Governors Association and the Regional Western Governors Association. In 1980 he became the first territorial Governor to serve as chairman of the Western Governors Conference. He was elected a member of the executive committee of the NGA in 1990.

As a regional leader, Mr. Speaker, Governor Coleman's record is equally distinguished. He co-founded the Pacific Basin Development Council in 1980 and was its first elected President in

1982. In 1982 he hosted and chaired the South Pacific Commission's annual conference in Pago Pago, American Samoa. At a special SPC meeting in 1983 and later in a conference in Saipan, he argued strenuously for equal membership in SPC for Pacific territories. This he ultimately was successful in obtaining for the territories.

He was two times a member of the standing committee of the Pacific Islands Conference of Leaders. He was on the founding board of the Pan-Pacific Alliance for Trade and Development and a founding member of the Offshore Governor's Forum.

His regional stature was widely acknowledged, Mr. Speaker. In 1970 he was granted an honorary degree by the University of Guam, who cited him as a "Man of the Pacific." In 1978, he received an honorary doctorate from Chaminade College in Hawaii. Pacific Magazine called him, "a man who is probably on a first name basis with everybody from the heart of the Pacific islands to their most distant corners."

Mr. Speaker, I recently attended the funeral services which were held for Governor Coleman in Hawaii. I am very glad to note that our Governor Tauese P. Sunia and his lovely wife Faga were in attendance at the services. Additionally, the President of the Senate, High Chief Lutu Tenari Fuimaono and his wife Sinira, the Speaker of the House, High Chief Mailo Sao Nua.

In closing, Mr. Speaker, I would like to offer my condolences to Governor Coleman's dear wife Nora and his children. I am sure that the proud legacy which he left them will live on in their hearts and in the hearts of all the peoples of the Pacific.

PROCLAMATION

Pursuant to the authority vested in the Governor of American Samoa, under the flag code prescribed by the Congress of the United States of America shall be flown at half staff as a mark of respect and a tribute to the memory of Uifa'atali Peter Coleman, former Governor of American Samoa, and one of the fathers of the government and the territory of American Samoa from April 28, 1997, until May 28, 1997.

Furthermore, by the authority vested in me by the constitution and laws of American Samoa as executive head of this territory, I hereby order the flag of American Samoa to be flown also at half staff. I would also like to ask all the departments, agencies, and offices of the American Samoa Government and the people of American Samoa to observe in the most appropriate manner and custom befitting the occasion of the passing of this great leader.

In witness whereof I set my hand and seal on the 28th day of April, 1997, at Utulei, American Samoa.

TAUESE P.F. SUNIA,
Governor of American Samoa.

[From the Hawaii Star-Bulletin, Apr. 29, 1997]

PETER COLEMAN, "MAN OF THE PACIFIC"

(By Mary Adamski)

HONOLULU.—Peter Tali Coleman was called "a man of the Pacific" in one of the many honorary degrees he was awarded, but that was not a fanciful title. It would serve as a summary of his life.

He was the first Samoan to be appointed governor of American Samoa, a US territory and later the first elected governor there.

His service as governor bridged five decades, first from the appointment in 1956–61, to three elected terms, the most recent ending in 1993.

He spent nearly 17 years as an American appointee in administrative roles in the former U.N. Trust Territories of Micronesia. Then he served as an advisor to the government and the emerging Western Pacific nations as they gained independence. He founded PTC Inc., a government relations firm specializing in Pacific island matters, was the Republican national committeeman from American Samoa, and an attorney.

Coleman, 77, died yesterday (Monday) at his Honolulu home after a two-year struggle with cancer.

"He was early recognized as a leader and will be remembered as one of the forerunners in the Pacific among native-born leaders who helped their nations chart their own destinies," said Hawaiian Governor Ben Cayetano.

"His contribution will be long and recalled with respect and affection."

Governor Tauese P.F. Sunia of American Samoa ordered the United States and American Samoa flags to be flown at half-staff for 30 days in Coleman's home islands. Sunia will attend services in Honolulu next week, according to his Chief of Staff.

"There is no question of Peter Coloman's place in history, not only in American Samoa, but throughout the Pacific," said Sunia in a message to the Coleman family. "I am proud to say I knew him, that I worked for and with him, and that I witnessed the progress and change he brought to American Samoa."

Kitty Simonds, Executive Director of the Western Pacific Regional Fisheries Management said: "He really knew the heart of the Pacific people." She recalled Coleman's effort to affirm native islanders' fishing rights, a move not popular with the American fishing industry or the tuna packing firms in Pago Pago.

City Councilman Mufi Hanneman said: "He was definitely a role model for many Samoans. Through his example, he embodied the best ideals and values of a public statesman."

D.E. "Rags" Scanlan, president of Royal Guard Security, said Coleman was "distinguished by his work for the betterment of all in the South Pacific." Scanlan whom Coleman tapped to coordinate relief efforts after a 1991 hurricane devastated Samoa, said the man was "very unpolitical. He was in politics but wasn't a politician, he worked behind the scenes."

J.E. Tihati Thompson of Tihati Productions said: "I will always respect him for the assistance he gave not only to the people of Samoa, but also to the Tokelau people of Swains Island Atoll while in office. He grew into a very gracious statesman who many would consult for political advice."

[From the Samoa News, May 15, 1997]

A EULOGY IN MEMORY OF PETER TALI COLEMAN

(The following eulogy was presented by William Patrick "Dyke" Coleman at the recent funeral of his father, former Governor Peter Tali Coleman. Dyke was Governor Coleman's chief of staff in his most recent administration (1989–1993).)

Dad introduced us to Samoa during the summer of 1952 when we first arrived in Pago Pago Harbor on board the Navy transport vessel the USS Jackson. We kids were just overwhelmed and excited by the beauty of the Harbor and the majesty of the surrounding mountains on that July morning.

Grandma Amata had accompanied us on the trip from Honolulu and Chief Tali, Aunty Mabel and Snookie and other family members were there to welcome us.

The living quarters we were assigned to was the old nurses' quarters at Malaloa. the house was spacious, wide open and structurally sound and we kids loved it. Mom and Dad learned later that these quarters had been condemned but that really never bothered us because we didn't know what that meant and didn't care anyway.

To Dad, as long as the family's safety and health were not being compromised, the label was of no consequence and the condemned house he viewed as a minor, temporary inconvenience that was not worth complaining about.

The house, for now, served our purposes. He adapted and taught us to do the same. Don't get hung up on the minor things. He never lost focus of his larger destiny.

Things that would bother many of us never seemed to bother him. He handled criticism the same way. Those who knew him well can attest to that. He reserved his energies for life's larger problems.

Only he knew that, very soon thereafter, he would occupy the best house on island, the governor's mansion. Occupying the governor's house itself was not the goal. He aspired to lead his people and never lost focus of that objective.

Dad practiced law during these early days and his clients would often instead of cash pay him with live chickens and pigs. The house was the perfect place in which to learn and develop responsibility to raise and care for them.

Of course some of these animals soon became pets. We had a pet pig named Porky that we let into the house all the time, and Grandma Amata would get angry and chase the pig out with a broom. On school days Porky would always greet us when we got home. One day Porky didn't meet us. We combed the entire area around the house and the mountainside. We couldn't find him.

Dad had now become Attorney General and we kids had become so upset and distraught that Dad called the police force to help look for our pig. We never found Porky. We knew he ended up in someone's umu. It took a long time for us to get over that loss.

Dad used to cut our hair, even after he became Governor. His haircuts made us very sad and we cried every time we had to get one. We wanted to look like Elvis but ended up looking like Fred Flintstone. The hairline was almost always uneven and so we would get teased and slapped in the head by the other kids.

One time my brother Milton ran away from home because he didn't want his hair cut. Anyway he finally returned home when he got too hungry. And of course the rest of us promptly reported him to Dad. Misery loves company. Milton got his spanking, which made us gleeful and after his haircut, lost his appetite.

As kids we didn't fully appreciate that those haircuts showed Dad to be a true visionary. Today these haircuts are considered fashionable and quite stylish with the younger crowd. Dad was ahead of his time.

Mom was always behind the scene, providing her strengths to support Dad and the

family. For all this intelligence, strength of character and self-discipline, his sense of humor was how he kept life in perspective, everything in balance.

He used humor to fend off criticism, to laugh with others, to tolerate the inflated egos his line of work brought, and even to laugh at himself. His sense of humor was his way of remaining within himself.

One day when he was still at Queen's Hospital I went to visit with him. He had just awakened and I sat there making loose talk and joking with him. I told him casually that Amata had called earlier from Washington.

He asked what she had wanted. I told him she asked how he was doing and that he should start thinking about the governor's race for the year 2000. He laughed so hard he cried.

God bless you.

CUBA'S REPRESSIVE REGIME

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is recognized for 5 minutes.

Ms. ROS-LEHTINEN. Mr. Speaker, this past week we were once again reminded of the lengths that the Cuban people will resort to to sink freedom from the repressive regime. Eleven Cuban refugees were rescued by the excellent men and women of our United States Coast Guard after being spotted by an aircraft of the humanitarian group, Brothers to the Rescue.

The refugees had spent 17 days in an isolated area of the Bahamas known as Dog Key. Dog Key, Mr. Speaker, is nothing but a rock, a big rock in the middle of the ocean.

For 2 weeks the refugees had little to drink or to eat. They ate snails and birds to survive in the middle of the ocean.

One of the refugees, Rolando Martinez Montoya, would break snail shells with his teeth so that his children who accompanied him on this horrible journey would be able to at least eat the inside of the snails.

Unfortunately, Mr. Martinez' daughter, Camilla Martinez, only 4 years old, and his step daughter, only 13 years old, died at Dog Key last week.

Twenty-six-year-old Leonin Ojeda Rivas also died after complaining of chest pains soon after trying to swim toward a passing ship in a desperate attempt to be rescued.

Mr. Speaker, the tragic search of these Cuban refugees for freedom portrays the picture of desperation that the Cuban people feel under the Castro dictatorship. Unfortunately, the American people never learned of this story in the so-called mainstream media. It was not in the major newspapers, nor in the television networks. Why? Because the press prefers to promote Castro's propaganda of Cuba as a tourist paradise rather than exert some effort in reporting the repression subjected on the people of the island every day.

Just this past Sunday, the Washington Post travel section had a lengthy piece on how to travel to Cuba. The story's author, Elinor Lander Horwitz, could barely control her excitement about being in the forbidden island as she walked past children engulfed in poverty, the deteriorated beauty of Havana, and the lack of the most basic needs such as soap that the Cuban people endure daily.

The author soothes her guilt of, as she calls it, of having a good time while being surrounded in this poverty by handing out two pesos to a poor Cuban child. Oh, wow. Now she can return once again to her paradise vacation.

Throughout the article, not one word, not one single word, is mentioned about the destruction caused on Cuba by the Castro tyranny and the misery that has resulted from it. However, she makes sure to provide tips on how to circumvent the United States embargo in order to travel to Cuba.

I wonder, Mr. Speaker, what led these refugees I have described earlier tonight to leave the paradise that this author so aptly describes? Is it the lack of human rights under Castro, the lack of civil rights under the last totalitarian dictatorship of the hemisphere? The complete mismanagement of the Cuban economy by the Communist elite, the complete control of the population by Castro's police state? I venture to say that it was a combination of all of these put together.

Cuba remains, whether the Washington Post or other publications admit it, a repressive totalitarian state. Just ask Ana Maria Agramonte, a prominent Cuban dissident who was recently sentenced to 18 months in prison for contempt against the regime. It is clear that the paradise as portrayed by the Washington Post must feel like hell for Ms. Agramonte and the rest of her compatriots who have to endure Castro's brutality.

Let us hope that the press will one day wake up to the horrors of the Castro's tyranny, to the repressive police state, to the complete lack of, and the violation of the most basic of civil rights.

Mr. Speaker, I insert for the RECORD the article from the Washington Post by Elinor Lander Horwitz which I earlier referred to.

[From the Washington Post, May 18, 1997]

RETURN TO A FORBIDDEN ISLAND

IN IMPOVERISHED CUBA, NOTHING—AND EVERYTHING—HAS CHANGED

(By Elinor Lander Horwitz)

Maritza smiles wistfully and passes her tongue slowly over her lips. "The '52s and '53s are best," she says. "Fifty-four was not so good a year, but '55—it was really excellent." She's not talking wine: She's talking Chevrolets.

Parked randomly along a street near the Plaza de Armas in Havana's old city, where she has taken me sightseeing, is a particularly dense grouping of 40- to 50-year-old American cars, predominantly Chevrolets plus one Dodge, an Oldsmobile, a Buick and a Plymouth. These are not rich people's collectibles. They are poor people's means of transportation. Maritza, a Cuban woman whom a friend had urged me to contact, casts a connoisseur's eye on a red-and-white, wide-finned 1953 relic parked next to her midget 1972 Polish-made Fiat. How in the world do the owners get replacement parts? She laughs at my simple-minded question. "We make them, we improvise," she says. "Cubans are very good mechanics."

I feel caught in a time warp. The decaying Chevys—the very ones I might have seen hot off the assembly line more than four decades ago—suddenly take on the status of metaphor for the once elegant, now deteriorating city. This is the second visit my husband, Norman, and I have made to Havana. The first, a few years before the 1959 revolution, was on our honeymoon. I was a college student-bride who longed to go abroad, and Havana was the only patch of abroad we could afford. And it was so easy to get there!

This time we arrived via three tedious flights: Washington to Miami, Miami to Nassau, and Nassau to Havana. With long waits in between. We carried impeccable visas and letters from the U.S. Treasury Department and our sponsoring organization verifying our permission to visit (there are severe restrictions for U.S. citizens trying to travel to Cuba). Norman, a neurosurgeon, was coming as a volunteer with an international relief agency in a program it runs jointly with the Cuban Ministry of Heath. He would spend a week conferring with colleagues, examining patients, teaching interns and residents, and presenting research material. I was licensed to tag along. Earlier participants in the program had given us the names of people they'd met here, which is how I came to know Maritza and a number of other engaging Habaneros.

We had always hoped to return to Havana and, according to the laminated Cubana Airlines boarding pass I handed over as I boarded the flimsy-looking old Russian plane in Nassau, the feeling was mutual. "Cuba te espera," it said in decorating script. "Cuba is waiting for you." The bright yellow card was decorated with three red hearts.

The 1950s Cuba, under the repressive rule of Fulgencio Batista, had plenty to offer American tourists. It was romantic, and it was glossy! Most people stayed in the pricey and glamorous Hotel Nacional, with its luxurious accommodations, highly regarded dining room and nightclub, and private talcum powder beach. We stayed at the Ambos Mundos on Obispo Street, in the heart of Old Havana.

Hemingway, still very much alive when we first visited the island, had lived in the Ambos Mundos while writing—depending on your informant—either "A Farewell to Arms" or "For Whom the Bell Tolls." We ogled the room he had occupied, dined at the rooftop restaurant where he had often dined, and drank daiquiris at the Floridita, which we were assured was his favorite bar. When we had dinner at a sidewalk cafe, ragged children came up to the table and begged for the bread on our table. We gave them that and pesos and smiles, and we told each other it was wrong to be having such a good time in a country where so many lived in unconscionable splendor while others didn't have enough to eat. And then a man with a guitar strolled over to our table and began to sing while we held hands across the table and blissfully dug into dinner.

Maritza is amused by my honeymoon tales. First stop on our 1996 tour is the Ambos Mundos. The hotel was closed for many years and has been in the process of renovation for

many more. The place is entirely gutted and a man on the ground is sending a small bucket of plaster up to the fifth floor on a pulley-and-rope contraption. A pamphlet I've picked up says that you can learn about the life of Ernest Hemingway by staying there. "Ambos Mundos Hotel will open up in summer 1996 with 53 rooms of which 4 suites," it promises, but it is now fall, and it still looks like it's going to be a while.

Nearby, in the palace occupied by Batista way back then, is the Museo de la Revolucion. There are photographs of the rebels in the mountains, bloody shirts and pants, canteens, rifles, the engine of an American plane shot down over the Bay of Pigs, and other mementos of turbulent times. One display, titled in English "The Hall of Cretins," features huge, cartoonish figures of Batista in military garb, Ronald Reagan dressed as a cowboy and George Bush dressed as a Roman senator. Above the figure of Reagan, the caption says, "Thank you cretin for strengthening the Revolution." Bush's caption is, "Thank you cretin for consolidating the Revolution."

In the nearby Plaza de la Catedral, craftspeople hawk costume jewelry, maracas, woodcarvings and other knick-knacks. Che Guevara's face appears on key rings, ashtrays and T-shirts.

Why doesn't Castro's face appear on T-shirts and key rings? I ask Maritza. "It wouldn't be respectful," she says, and it's impossible to determine whether her inflection is dead serious or mocking.

I am trying hard to recapture the city I remember. One afternoon Norman and I journey uptown to peek furtively into the splendidly tiled lobby of the Hotel Nacional, fearful of being accosted and asked whether we are paying guests. (Reopened and refurbished after years of being shut down, the hotel is as handsome and crowded as ever.) We gape at the splendid Spanish colonial mansions on the tree-lined avenues of the Vedado and Miramar districts. And then we retreat to the colorful narrow streets and shady squares of Old Havana, where we remember Cubans strolling, singing aloud. Our memories of this are so vivid, it must have been true, although there is no evidence of such today.

West of Old Havana is the Vedado neighborhood and our hotel, the Victoria, which is across the street from a row of picturesquely decaying Spanish colonial mansions, now occupied by many poor families. Up close, things aren't quite so picturesque. Laundry hangs from the windows, balusters are missing from the galleried rooftops, stairs are broken, garden statues are headless, yards are littered with trash. Nothing has been painted or repaired in decades. And venturing out at night onto the darkened, crumbling sidewalks and streets—where hordes of bikes without lights scoot by—is dangerous whether or not you encounter the street crime everyone warns about (we didn't).

Tourism has been revived in Havana, and crowds of Europeans, Asians, South Americans, Canadians and a much smaller number of Americans can be seen in the more celebrated restaurants. There is the luxurious new Melia Cohiba hotel, a joint venture between Cuba and Spain; much talk of further foreign investment in tourism; and work is going on around the clock on a new airport. Baseball games and performances by the excellent national ballet company provide stimulating entertainment, yet information about schedules is difficult to glean.

Restaurant food ranges from so-so to bad. The Cubans we invited to dine with us all chose paladares—the small, often-excellent restaurants families are now permitted to run in their own apartments. Families licensed to establish a paladar may set up no more than 12 chairs, arranged in whatever grouping of tables they prefer. Some paladares have signs, but most are known only through word of mouth. You ring a doorbell and enter a lobby, push the button for the proper floor and walk into someone's living room, where tables are prettily set and family members graciously rush to serve you.

At one paladar, we are seated on a breezy balcony, overlooking the water. At another, a particularly pleasant three-course dinner with assorted tasty appetizers set up on a small buffet table, a roast lamb entree and dessert of a rich fig pudding costs $12 a person, including beer and coffee.

These paladares, named for a family-run restaurant dubbed Paladar in a popular Brazilian TV sitcom, are one of the few forms of self-employment now permitted in Cuba. Since they accept payment only in U.S. dollars, paladar owners have the means to buy a wide range of foods at the hard-currency stores.

The Hemingway shtick is still going strong here. Several restaurants and bars in the old city claim to have been his favorite. One of these, the tiny crowded La Bodeguita del Medio, a block from the cathedral, still has ambiance aplenty. Since the 1920s, customers have carved their names on wood paneling, and there's no more space. Above the bar is a blow-up of a scrawled message by the great man himself. "The best mojitos are at the Bodeguita," it reads. "The best daiquiris at the Floridita. Ernest Hemingway."

Squeezed into a corner, in full view of this snippet of immortal prose, we order a mojito. It arrives in a tall glass, jammed with what appears to be seaweed but is, in fact, very soggy mint, and filled with a watery rum, lemon and sugar mixture. An undistinguished meal is tossed at us irritably. It is almost heartening to find that there still are tourist traps in Havana.

Just about everything is in short supply in this underdeveloped island country. Everyone is short of soap, and I lift a few tiny bars from the hotel maid's cart and pass them along to my new friends. All food is rationed. Staples—rice and beans—are cheap and abundant, although milk is available only for children under 7. At the Hotel Victoria, the milk is made from powder and manages to be foamy and lumpy at the same time. Meat, chicken and fish are not generally available, and at the time of our visit, the egg ration was seven a month. Each person is permitted one piece of bread a day.

Cubans call this a periodo especial, a special period that date from the dissolution of the Soviet Union in 1991 and the sudden cessation of what had been lavish subsidies. Gas, electricity, public transportation—all are in very short supply. When the periodic blackouts occur, not only the lights go out, but also the water, which is pumped by electricity.

The glittering and bustling tropical city I remember is a drab and quiet place today. For decades, there has been no money to maintain buildings and streets. Automotive traffic is light at all times. Gas, at $4 a gallon, is too expensive for most Cubans, who earn on average $12 to $15 a month.

I ask a highly placed government official what he hopes, expects, fears the future will bring if Castro, now a fit-looking 70-year-old, retires? He laughs at the notion of retirement. "When Fidel dies," he says, "people won't be ready for raw capitalism. That's certain. They think they want more free enterprise, but they are too accustomed to free education and health care to ever give that up. It will be some sort of socialism.

"Don't misunderstand," he adds, when I ask about the one piece of bread a day. "things here are difficult now, but there is absolutely no question that life under Batista was far worse for most Cubans. What you have to recognize is this: Cuba has always had one corrupt form of government or another."

While we are in Havana, everyone is talking about the International Trade Fair, an annual event that showcases products from countries worldwide (72 of them at this fair). Finally, I decide to go to the new exposition grounds outside the city with Roberto, a translator for the medical program that brought us to Cuba. The fair is jammed with people. Cuba is displaying pharmaceuticals, rum and cigars, and there are sparkling new cars from Japan and France, shoes from Italy, tablecloths from Mexico, furniture from Canada and children's clothing from Panama. As Roberto seats himself longingly behind the wheel of a shiny little yellow Fiat mounted on a revolving stand, my eye falls on an Argentinean food exporter's display of Oreo cookies, Ritz crackers, Libby's Vienna Sausages, Wrigley gum, M&M candies, Kellogg's Frosted Flakes and Froot Loops.

Will Cuban children get to eat Froot Loops despite the U.S. embargo? Roberto rolls his eyes, but declines further comment.

I buy lunch at a sunbaked outdoor cafe, and we dine greedily on a cholesterol nightmare of fried chicken, french fries, beer and ice cream. Four musicians—two guitar players, a man on a bongo drum and another on maracas—suddenly appear at my elbow, grinning with mock flirtatiousness and breaking into the songs their fathers sang to diners in the cafes of Obispo Street in the 1950s: "Besame Mucho" and "Perfidia." I am overcome with nostalgia and tip generously, and they repeat the two songs over and over. And then, with almost manic zest, they break into a long song about Che Guevara.

The next day, at the airport gate, waiting hours for our return flight, we Americans—doctors, missionaries, journalists—exchange stories about the charm of the people we've met and the hardships we've witnessed. No one has answers.

The airport's air conditioning has been turned off to save electricity. Everyone is hot and avid to leave. But everyone wants to return "someday."

"Bring soap," we remind each other. "Next time don't forget to bring everyone a few bars of soap."

WAYS & MEANS

Tourist travel to Cuba is severely restricted by the U.S. government. To travel to Cuba legally, Americans must have a passport and visa and obtain a license from the Treasury Department's Office of Foreign Assets Control (1500 Pennsylvania Ave., NW., Washington, D.C. 20020, 202-622-2480). OFAC has a fax-back system (202-622-0077) offering a dozen documents detailing the guidelines associated with travel to Cuba.

Those who may visit Cuba under an official Treasury Department license include: journalists who are regularly employed by a news organization; official government travelers; members of international organizations of which the United States is also a member, traveling on official business; persons making a once-a-year visit to relatives in Cuba in circumstances of extreme humanitarian need; and travelers who have received

specific licenses from OFAC before they go. These legitimate travelers can bring home $100 worth of Cuban goods.

A number of air and travel providers are authorized by the Treasury Department to arrange trips to Cuba for qualified travelers. One of the best known, Marazul Tours (4100 Park Ave., Weekauken, N.J. 07087, 1-800-223-5334), will advise you about eligibility and the procedure for obtaining a Treasury license. Once you obtain the license, the agency will provide a visa, plane tickets and hotel reservations. For groups, it can set up a program in Cuba if needed.

Visa information also is available from the Cuban Interest Section, 2369 16th St. NW, Washington, D.C. 20009, 202-797-8518.

Despite the restrictions, there are indeed American tourists in Cuba. Plane tickets to Cuba and a visa—a separate tourist card—can be obtained in Canada, Mexico or the Bahamas. But beware. Attempts to catch U.S. tourists returning from Cuba have been stepped up, and U.S. Customs officials may now greet you in Nassau or Cancun as you step off your flight.

CHILDREN'S NATIONAL SECURITY ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Oregon [Ms. FURSE] is recognized for 5 minutes.

Ms. FURSE. Mr. Speaker, tomorrow I am introducing a very important piece of legislation, and I am joined by 14 of my Democratic women colleagues. This legislation is called the Children's National Security Act, and I want to spend a few minutes this evening telling my colleagues about it.

I am sure we all remember the phrase, women and children first. Well, sometimes I think that we have forgotten that phrase and we think only of children last.

I just got a recent report of the state of America, and our priorities and children do not do very well in that. We are first in military technology, we are first in defense expenditures, but we were 18th in infant mortality, 17th in low birth weight rates, and we are very last in protecting our children against gun violence. In fact, of the 26 industrialized nations, the deaths of U.S. children account for three out of four from gun violence out of all 27 nations.

So my bill is a conglomeration of lots of very good pieces of legislation. It is about priorities and funding what is really important to our Nation's families.

President Clinton said in his State of the Union Address this year, education is a critical national security issue for our future. The problem is that his budget request called for $234 million more for the military than it does for education.

In the bipartisan budget agreement adopted by the House, over half of our discretionary spending for the next 5 years, in fact, 52 percent will go to the Pentagon. That means that everything else must be divided up of the 48 percent. Fifteen Democratic women Members have joined together and we have submitted 24 pieces of legislation in this omnibus bill. The Children's National Security Act is deficit-neutral, it is funded with savings from the Pentagon.

Among the initiatives included are health insurance for kids, health care research and education, assistance for caregivers, multi-generational foster care, firearm child safety lock requirements, school construction, and increasing economic security for families.

The gentlewoman from Oregon [Ms. HOOLEY] has contributed legislation to promote multi-generational foster care. That is building on something we do in Oregon very successfully. The gentlewoman from California [Ms. MILLENDER-MCDONALD] has included the Firearm Child Safety Lock Act. This is an act which says that the child safety lock must be placed on guns sold in America.

The gentlewoman from New York [Mrs. LOWEY] has included the partnership to rebuild America's schools. One time, Mr. Chairman, the schools of America were the pride of America, but they are crumbling today. The General Accounting Office has estimated we need $112 billion to repair them.

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My contribution to the bill is a private insurance reform legislation called Kids Only. It will require that insurance companies provide an affordable policy to cover children from birth to age 16. These are available in Oregon, and they should be available across the Nation.

I believe it is time to change the focus of our priorities, to reflect that national security means providing children a quality education, access to health care, and a safe place to live and learn. We cannot continue to invest in outdated Cold War weapons systems while we neglect our children.

Our bill will improve the lives of America's children. It provides real national security by addressing our children's critical needs. There is wide agreement now that we must balance the Federal budget, but as we balance it, we must make tough fiscal choices. The National Children's Security Act is about priorities, funding what is truly important to our Nation's families.

As Congress makes those tough fiscal decisions necessary to balance the budget, we must consider our real national security, our children. The Democratic women in the House of Representatives have joined together to provide for children's access: Access to health care, a safe environment, a quality education. The Children's National Security Act puts our children first, and that, Mr. Speaker, is exactly where they belong.

IN MEMORY OF MARGARET LESHER-THORSTENSON

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Mrs. TAUSCHER] is recognized for 5 minutes.

Mrs. TAUSCHER. Mr. Speaker, the Tenth Congressional District of California was shocked and saddened last week by the untimely death of one of its true community leaders, Margaret Lesher-Thorstenson. Some might say a shining light was dimmed in Contra Costa County with the passing of Margaret Lesher. I say the light will continue to burn bright through her many gifts of generosity, kindness, and friendship.

As individuals and as a community, we are richer for having had Margaret Lesher in our lives. Mrs. Lesher was an extraordinary woman who had many facets to her life: A mother, wife, businesswoman, philanthropist, and friend. In each role she exemplified a spirit of voluntarism and generosity that all of us constantly strive to achieve. In every cause or endeavor upon which she embarked, she would give 110 percent of herself. Throughout all of her community service, Margaret Lesher realized that her family and friends were her foundation.

I had the occasion to meet Margaret Lesher through the Battered Women's Alternative of Contra Costa County, a Contra Costa organization dedicated to aiding and assisting women in need.

In 1990 she established the Margaret Lesher Transitional Housing and Employment Center. She not only gave financially to the program, but she also spent countless hours meeting and talking to the women who went through the center. Mrs. Lesher was always there to listen and support anyone who needed her help.

As first vice president for Lesher Communications, the newspaper chain founded by her late husband, Dean Lesher, she strove to make the papers an accurate reflection of the character and personality of Contra Costa County. Mrs. Lesher worked side by side with her husband to make the publication one of the most successful in California. Even after the newspapers had been sold, the current owners have carried on the exemplary quality established by Dean and Margaret Lesher.

Not many people knew that Margaret Lesher authored music and lyrics for 40 copyrighted songs and 14 poems. In 1982 she was honored with the Bronze Halo Award of Special Merit from the southern California Motion Picture Council for her contributions as a writer, songwriter, and vocalist. These talents inspired her to begin a wonderful collaboration with the arts and the community.

Through the Dean and Margaret Lesher Foundation, the magnificent building bearing the family name houses the California Symphony, the

Diablo Ballet, and other theatrical groups. The center, along with many other buildings, are symbols of Mrs. Lesher's tireless commitment to the betterment of the community.

Barry Jekoywski, the conductor of the California Symphony in Contra Costa County and associate conductor of the National Symphony here in Washington, captured the essence of Margaret Lesher's dedication to the arts when he said that she believed in the vision and importance of the arts in the community, especially for families and children.

Today her memorial service is taking place at the Dean Lesher Regional Center for the Arts, the very center that she was instrumental in establishing. Over 1,000 people are expected to attend today's service to pay tribute to the first lady of Contra Costa County.

It is difficult to explain to my colleagues what a special and unique person Margaret Lesher was. Many people's lives have been touched and blessed by her spirit, warmth, and kindness.

Here on the House floor, I would like to extend my deepest sympathy to Margaret's husband, Collin Thorstenson, and her daughters Tricia Ryan Simonds, Wendy Alvs, Roxanne Gibson and Jill Heidt. This is a very difficult time for her family and all of Contra Costa County, an area that considered itself part of Margaret Lesher's family.

With some poetic license, I will borrow the words of Robert Frost to capture the inspiration and dedication Margaret inspired within all of us:

Two roads diverged in a yellow wood,
And sorry I could not travel both and be one traveler,
Long I stood and looked down one as far as I could,
To where it bent in the undergrowth;
Then took the other, just as fair,
Two roads diverged in a wood, and I took the one less traveled by,
And that has made all the difference.

At a time when it was not popular to support causes like battered women's alternatives, Margaret Lesher took a path that most would not have ventured down. She neither sought approbation nor applause. In fact, many of her wonderful deeds never received public attention. She simply wanted to make Contra Costa County a better place for all of its residents. In the end, the paths she chose were eventually the paths that all of us have followed.

The many wonderful contributions Mrs. Lesher gave to our community will continue to thrive and flourish through the foundation established in her and Dean's name. We will miss her warmth and presence within our community, yet the light of her spirit will live forever in all the good that she has done.

IN HONOR OF ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii [Mrs. MINK] is recognized for 5 minutes.

Mrs. MINK of Hawaii. Mr. Speaker, I rise to pay tribute to notable accomplishments by Asian Pacific Americans as Asian Pacific American Heritage Month is commemorated here in the Nation's Capital and in other cities nationwide. The annual celebration of this month of meaningful observance stems back to 1978, and is now carried on under Public Law 102–450, which permanently designated the month of May upon finding that "Asian and Pacific Americans have contributed significantly to the development of the arts, sciences, government, military, commerce, and education in the United States."

Comprising nearly 10 million, or 3.7 percent of the U.S. population, Asian Pacific Americans rank among the highest in our educational institutions, hold high political office and log advances in entrepreneurship. According to the U.S. Census Bureau, in 1994, nearly 90 percent of Asian Pacific Islander men and 80 percent of Asian pacific Islander women aged 25 years and older had at least a high school diploma. In addition, an estimated 46 percent of men and 37 percent of women had at least a bachelor's degree.

Median income of Asian and Pacific Islander households in 1995 was $40,614. Business ownership figures show that the number of businesses owned by Asian and Pacific Islanders increased 56 percent between 1987 and 1992, from 386,291 to 603,439.

Asian Pacific American visibility in government is also on the rise. My State of Hawaii boasts the first Filipino-American Governor, Benjamin Cayetano. Chinese-American Gary Locke succeeded in his bid for Governor of Washington State in last year's elections. In addition, there are 23 State Senators in Colorado, Hawaii and Oregon, and 40 State Representatives in Arizona, California, Hawaii, New Hampshire, New York, and Washington State. The membership of this body includes five Asian Pacific Americans, as well as two in the Senate, Senators Daniel Akaka and Daniel Inouye.

Of particular note are Asian Pacific Americans who, through singular dedication to the greatness of our Federal Government, have thrived and risen to positions of prominence in Federal departments and agencies. The following is a list of top-ranking Asian Pacific Americans in the 14 Federal Departments:

Agriculture: Lon Hatamiya, Administrator of Agricultural Marketing Service, and Jeremy Wu, Deputy Director, Office of Civil Rights, Departmental Administration.

Commerce: Hoyt Zia, Chief Counsel, Bureau of Export Administration.

Defense: Fred Pang, Asst Secretary of Defense for Force Management Policy.

Education: Terry Dozier, Special Advisor to the Secretary (on teacher issues).

Energy: Dr. Sun Chun, Special Assistant to Assistant Secretary for Fossil Energy, and Thomas T. Tamura, Principal Deputy Assistant Secretary of Human Resources.

Health & Human Services: Dennis Hayaski, Director, Office of Civil Rights.

Housing & Urban Development: Robert Santos, Secretary's Representative in Seattle.

Interior: Danny Aranza, Deputy Director, Office of Insular Affairs.

Justice: Michael Yamaguchi, U.S. Attorney, Northern California, and Rose Ochi, Director of Community Relations Service.

Labor: Donna Onodera, Regional Director, Workers' Compensation Division.

State: William H. Itoh, Ambassador to Thailand.

Transportation: Dharmendra K. Sharma (Mr.), Administrator, Research & Special Programs Administration.

Treasury: Valerie Lau, Inspector General.

Veterans' Affairs: H. David Burge, Jr., Director, National Ctr for Veterans Analysis and Statistics.

To acknowledge the achievements of Asian Pacific Americans in our Federal agencies, I requested a list of the 10 top-ranking Asian Pacific Americans in each agency, and these are the reported listings:

U.S. Department of Commerce: Betty L. Barker, Deputy Director, Bureau of Economic Analysis; Tong S. Chung, Director, Advocacy Center, International Trade Administration; Gurmukh S. Gill, Director, Office of Business and Industrial Analysis; George Mu, Commercial Officer, Career Minister, U.S. & Foreign Commercial Service; Jin F. Ng, Deputy Group Director, Patent and Trademark Office; Sumiye Okubo, Director, Office of International Macroeconomic Analysis; Nancy L. Patton, Deputy Assistant Secretary, Asia and the Pacific; Potarazu K. Rao, Senior Scientist for Environmental Satellite, Data, & Information Service; Usha S. Varanasi, Science and Research Director, Northwest Region; and Hoyt H. Zia (top ranking), Chief Counsel, Bureau of Export Administration.

U.S. DEPARTMENT OF DEFENSE

Office of the Secretary of Defense: Frederick F.Y. Pang (top ranking), Assistant Secretary of Defense for Force Management Policy; Belkis W. Leong-Hong, Deputy Assistant Secretary of Defense of Plans and Resources, Office of the Assistant Secretary of Defense of Command, Control, Communications & Intelligence; Austin K. Yamada, Director, Special Advisory Staff, Ofc of the Under Secretary of Defense for Policy, Office of the Deputy for Policy Support; and Julita Aviles, Associate Director for Policy Division, Office of the Under Secretary of Defense (Comptroller).

Defense Intelligence Agency: John K. Kiehm, Chief, Office of Logistics Services, Defense HUMINT Service DHM.

Defense Special Weapons Agency: Joan M. Pierre, Director for Electronics & Systems.

Department of Defense Education Activity: Vernon M. H. Chang, Associate Director for Management Services.

National Security Agency: Ronald D. Lee, General Counsel, National Security Agency.

Department of the Army: Lieutenant General Eric Ken Shinseki, Deputy Chief of Staff for Operations & Plans; Brigadier General Edward Soriano, Director, Office of Personnel Management, U.S. Total Army Personnel Command; Dr. Jagdish Chandra, Director, Mathematical & Computer Sciences Division, U.S. Army Research Office; Kisuk Cheung, Chief of Military Engineering, U.S. Army Corps of Engineers, Military Programs Directorate; Dr.

Bhupendra P. Doctor, Director, Division of Biochemistry; William K. Takakoshi, Special Assistant to the Under Secretary of the Army, Office of the Secretary of the Army; and Dr. Renu Virmani, Chairperson, Department of Cardiovascular Pathology, Armed Forces Institute of Pathology.

Department of the Navy: Dr. Kia Ling Ngai, Senior Theoretical Solid State Physicist, Naval Research Laboratory; and Dr. Bhakta B. Rath, Associate Director, Materials Science and Component Technology, Naval Research Laboratory.

Department of the Air Force: Dr. C. I. Chang, Director of Aerospace & Materials Sciences, Air Force Office of Scientific Research; and Allen M. Murashige, Chief Scientist, Directorate of Command and Control; and Dr. Joseph H. Shang, Senior Scientist.

US DEPARTMENT OF EDUCATION

Members of Education Department-related Commissions and Boards: Rajen Anand, National Committee on Foreign Medical Education & Accreditation; Paul Antony, National Committee on Foreign Medical Education & Accreditation; Jose Evangelista, National Committee on Foreign Medical Education & Accreditation; Kenji Hakuta, National Educational Research Policy & Priorities Board; Mitsugi Nakashima, National Assessment Governing Board; Lynne Waihee, National Institute for Literacy Advisory Board; and Grace Yuan, Civil Rights Reviewing Authority.

Department Staff/Personnel: Therese Knecht Dozier (top ranking), Special Advisor to the Secretary (on teaching); Natarajan K. Gounder, Senior Computer Specialist; Dr. Edward K. Fujimoto, Deputy Director of Communications, Office of Public Affairs; Jeanette Lim, Senior Executive Service; M. Theresa San Agustin, Research Associate, Office of Special Education and Rehabilitative Services; Ricky Takai, Senior Executive Service; Melvin DeGuzman, Computer Specialist, Office of the Chief Financial Officer; Thomas Hibino, Equal Opportunity Specialist—Supervisor; Samuel Peng, Statistician; and Sharif Shakrani, Statistician.

US DEPARTMENT OF HEALTH AND HUMAN SERVICES

Political Appointees: Dennis W. Hayashi (top ranking) Director, Office for Civil Rights; Irene Bueno, Deputy Assistant Secretary for Legislation (Congressional Liaison); Deborah Chang, Director of Legislation, Health Care Financing Administration; Regina Lee, Deputy Director, Office of Refugee Resettlement, Administration for Children and Families; and Jennifer Chang, Acting Director of Intergovernmental Affairs, Administration for Children and Families.

Career Senior Executive Service: Evelyn S. Ohki, Senior Advisor to the Deputy Assistant Secretary for Health, Disease Prevention and Health Promotion; Kathleen A. Buto, Associate Administrator for Policy, Health Care Financing Administration; Eva T. Jun, Director, Office of Computer and Communication Services, Bureau of Data Management and Strategy, Health Care Financing Administration; Lillian T. Yin, Director, Division of Reproductive, Abdominal, Ear, Nose and Throat and Radiological Devices, Office of Device Evaluation, Center for Devices and Radiological Health, Food and Drug Administration; and Philip S. Chen, Jr., Associate Director for Intramural Affairs, National Institutes of Health.

US Department of Housing and Urban Development: Roberta Ando, Chief, Asset Management Branch; Thomas Azumbrado, Chief, Production Branch; John Chin, Supervisory Systems Accountant; Tzylai Chong, Special Project Officer; Min Li Chung, Systems Accountant; Virginia Der, Budget Analysis; Ronaldo Dizon, Supervisory Computer Specialist; Cornelio Galdones, Supervisory Computer Specialist; David Hashimoto, Supervisory Equal Opportunity Specialist; Carl Kao, Attorney Advisor General; Lily Lee, Housing Program Officer; Robert Leong, Attorney Advisor General; Patrick Liao, Director Single Family Division; Eliza Lo, Supervisory Contract Specialist; Lawrence Mcghee, Management Analysis; Satinder Munjal, General Engineer; Dung Nguyen, Executive Assistant; Nita Nigam, Budget Analysis; Jim Park, Executive Assistant; Sandra Pavolka, Supervisory Equal Opportunity Specialist; Alfredo Santos, Computer Specialist; Robert Santos (top ranking), Secretary's Representative in Seattle; Tsou Liang Tang, Structural Engineer; Bam Viloria, Supervisory Attorney Advisor General; and Pamela Walsh, Program Manager.

US Department of Treasury: Valerie J. Lau (top ranked), Inspector General; Jacqueline J. Wong, Senior Advisor to the Assistant Secretary (Tax Policy); Harry T. Manaka, National Director, Collection Field Operations, Internal Revenue Service; Deborah Melody Chew Nolan, Deputy Assistant Commissioner (International), Internal Revenue Service; Helen H. Bolton, Special Assistant to the Commissioner, Internal Revenue Service; Robert D. Ahnee, District Director, Northern California District, Internal Revenue Service; Delora Ng Jee, Deputy Comptroller for Large Case Supervision, Office of the Comptroller of the Currency; and James D. Kamihachi, Senior Deputy Comptroller, Economic and Policy Analysis, Office of the Comptroller of the Currency.

US Equal Employment Opportunity Commission: Paul M. Igasaki, Vice Chairman; Sallie T. Hsieh, Director of Information Resources Management; Raj K. Gupta, General Attorney (Civil Rights); Mark Wong, Policy Analyst; Kenneth W. Chu, Supervisory Attorney Examiner (Civil Rights); Daniel K. Chang, Computer Scientist; John C. Chang, Supervisory Computer Specialist; Indu Kundra, Program Analyst; and Wallace Lew, Attorney Advisor (Civil Rights).

US General Accounting Office: Judy A. England-Jospeh, Director of Housing and Community Development Issues; Thomas J. Schulz, San Francisco Regional Manager Designee; Kwai-Cheung Chan, Director of Special Studies and Evaluations; Allen Li, Associate Director of Defense Acquisition; and Helen H. Hsing, Director of Congressional Relations.

US Office of Personnel Management: Dory E. Zamani, Supervisory Financial Management Specialist; Wesley H. Shimamura, Supervisory Personnel Management Specialist; Deborah A. Kendall, Special Assistant, Congressional Relations; Linda M. Watson, Personnel Staff Specialist; James J. Tsugawa, Personnel Management Specialist; Lina A. Savkar, Employee Development Specialist; Phong V. Ngo, Program Analyst; Teresa Chi Chao Yang Huang, Computer Systems Analyst; James Hong, Supervisory Personnel Staffing Specialist; Jeri T. Hara, Personnel Management Specialist; Jaime P. Espiritu, Computer Systems Analyst; May S. Eng, Statistician, Survey; Esterlita De Leon Cueto, Systems Accountant; Sherman M. Chin, Personnel Management Specialist; and Susai Anthony, Computer Programmer Analyst.

Social Security Administration: Glennalee Donnelly, Senior Executive Service, Assistant Deputy Commissioner, Office of Programs and Policy; Tina Sung, Senior Executive Service, On Assignment to the National Performance Review; Leslie S. Chin, Division Director, Office of Systems; Dinesh Kumar, Executive Assistant to the Associate Commission for Telecommunications and Systems Operations; Yuan Jye Liu, Supervisory Computer Specialist, Office of Hearings an Appeals; Donna Y. Mukogawa, Assistant Regional Commissioner for Processing Center Operations, Chicago, Illinois; Chih Yuan D. Wang, Computer Specialist, Office of the Commissioner; Seung H. An Actuary, Office of the Actuary; Lyman Goon, General Attorney, Office of the General Counsel; Gordon C. Gonzalez, Field Office Manager, Pasadena, Texas; Alan W. Heim, Field Office Manager, Anchorage, Alaska; Li Ming Koo, Senior Computer Systems Specialist, Office of Hearings and Appeals; Kenneth M. Lew, Supervisory Criminal Investigator, Office of the Inspector General; Jane Y. Lim, Field Office Manager, Parsippany, New Jersey; Sze Jui Lui, Medical Officer, Office of Human Resources; Martin W. Long, General Attorney, Office of the Regional Chief Counsel, Dallas; Maynard K. Malabey, Supervisory Management Analyst, Office of Operations; Thomas J. McCullough, Field Office Manager, Sarasota, Florida; Gloria L. Tong, Program Analyst, Office of the Commissioner; Yen T. Tra, Senior Computer Systems Specialist, Office of Hearings and Appeals; Jack H. Trudel, Supervisory Auditor, Office of the Inspector General, Richmond, California; Wanda H. Waldman, Field Office Manager, Santa Ana, California; Mitchi A. Weger. Field Office Manager, San Antonio, Texas; and Mark E. Young, Field Office Manager, Bremerton, Washington.

US Agency for International Development: Kumar Krishna, Program Analyst; Carla Montemayor Royalty, Administrative Officer; Gloria Steele, Program Analyst Officer; Rodney S. Azama, International Trade Specialist; Paula Y. Bagasao, Senior Advisor; Dirk W. Dikjerman, Support Program Officer; and Kiertisak Toh, Foreign Affairs Officer.

My warmest congratulations to all of these individuals, and other Asian Pacific American Federal employees not listed, for their labor and accomplishments.

As Chair of the Congressional Asian Pacific Caucus, I am pleased to commend the Asian Pacific American community for all it has attained in the past year. We are a growing part of this diverse nation and will only continue to increase the number of successes we are able to celebrate. I would like to extend to all a happy Asian Pacific American Heritage Month.

COMMEMORATE ASIAN-PACIFIC HERITAGE MONTH BY HONORING THE FILIPINO WORLD WAR II VETERANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. FILNER] is recognized for 5 minutes.

Mr. FILNER. Mr. Speaker, and colleagues, I rise today to commemorate Asian-Pacific Heritage Month by speaking of a group of true heroes of World War II—the Filipino World War II veterans.

Upon arrival in Congress, I soon learned about the plight of the Filipino World War II veterans—many of whom have died and others who are now in the twilight of their years. I learned that these soldiers were drafted to serve in our Armed Forces by an executive order of President Roosevelt. I learned that they defended the American flag in the now-famous battles of Bataan and Corregidor. I learned that thousands of Filipino prisoners of war died during the Bataan death march and while imprisoned under inhuman conditions. I learned that their actions foiled plans for a quick takeover of the region and allowed the United States the time needed to prepare forces for victory in the Pacific.

Then I learned, unbelievably, that soon after the war was over, Congress voted to take away the benefits and recognition that these Filipino veterans were promised, in the Rescissions Act of 1946.

Filipino World War II veterans and their families have been waiting for over 50 years for the justice, recognition, and benefits that they so richly deserve. I am proud that the President and Congress took the first step last year to restore their dignity by resolving to recognize these brave veterans for their contributions to the successful outcome of the war.

Now it is time to complete the job. Last year, over 100 Members of this body signed on as cosponsors to the Filipino Veterans Equity Act. This year, I have joined with Congressman BEN GILMAN to reintroduce this legislation (H.R. 836)—and we believe it is time to hold hearings on the issue of equity for Filipino World War II veterans.

What better way to celebrate Asian-Pacific American Heritage Month than to take action on behalf of the Filipino World War II veterans, many of whom have become citizens of the United States.

What better way than to finally correct a monumental injustice and to restore the benefits promised to the Filipino World War II veterans for their defense of democratic ideals.

Words to commemorate Asian-Pacific American Heritage Month are fine, but action is better. Join with me in demanding justice and equity for Filipino World War II veterans.

ASIAN-PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. MATSUI] is recognized for 5 minutes.

Mr. MATSUI. Mr. Speaker, I am honored to join my colleagues in commemorating Asian-Pacific American Heritage Month and recognize the many achievements and contributions Asian-Pacific Americans have made to our country. I would also like to thank my colleague from Hawaii, Representative PATSY MINK, for arranging this special order.

The month of May was permanently designated Asian-Pacific American Heritage Month in 1992. Since then, it has become a wonderful opportunity to recognize the many ways in which Americans of Asian and Pacific Islander descent have enriched our Nation. I would like to take this moment to reflect on the diversity and richness that have so benefited our country.

Asian and Pacific Islanders have a rich history in America that spans over 150 years. As immigrants Asian and Pacific Islanders brought with them unique skills and abilities that enhanced the diversity and richness of our society. Asian-Pacific Americans added to the fabric of our culture through the sharing of values, customs, and perspectives. These same immigrants helped build our rapidly growing Nation during the turn of the century, expanding industries and cultivating farmland in the West.

Over the years, the American experience transformed Asian immigrants as they have in turn transformed America. We, as a nation of immigrants, have shared the same hopes and the same dreams. As a diverse people, Asian-Pacific Americans have enriched our national character. In every area of society, from the arts to business, people of Asian and Pacific Islander ancestry have excelled. In the process, Asian-Pacific Americans have become an integral part of our country's past, and of our country's future.

As one of the fastest growing groups in the Nation, recent Asian-Pacific American immigrants infuse a passionate sense of optimism in the American dream. America has benefited from their collective energy and vision. As these immigrants embrace the ideals and traditions of American life, we must also embrace them and the diversity and new ideas they bring with them. It is clearly in our national interest to extend to them the same opportunities and equalities that attracted all of our ancestors here.

Asian-Pacific American Heritage Month is a celebration of our heritage and our contributions, but it is also a time for reflection. Amid the accomplishments of the past we must also remember the struggles and discrimination that Asian-Pacific Americans had to overcome. We must use this opportunity to redouble our commitment to the goals that have been the cornerstone of our Nation's great history—to build a country of equal opportunity and where people of all nations would be accepted. Asian-Pacific Americans are said to embody the values of hard work, commitment to family, and pursuit of education. These are not exclusively Asian values, but values we all cherish. During this month of celebration we must strive to uphold these ideals, because the celebration of Asian-Pacific American Heritage Month is ultimately a celebration of America. Because more than anything else, we are all Americans.

WHALE-WATCHING INDUSTRY ON THE WEST COAST ENDANGERED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington [Mr. METCALF] is recognized for 5 minutes.

Mr. METCALF. Mr. Speaker, in the last few years a multi-million dollar tourist industry has been carefully built up in California, Oregon, Washington, and British Columbia. It is whale-watching. It has become a multi-million dollar industry in the last few years, and in fact, just to show Members how much, I stopped at a little hotel several miles from the water out in Washington State and walked over to their rack. I picked up all these brochures, and all of these are ones that deal with whale-watching, just to show the Members what an industry it is.

Mr. Speaker, it is a wonderful industry. Its numerous small entrepreneurs take individuals or groups out onto the Puget Sound or Straits of Juan de Fuca or the Georgia Straits, or actually outside into the Pacific Ocean at certain times.

There are only two species of whales that are targeted near the coast now, the gray whales and the orcas. Over the years, the last 3 or 4 or 5 years, they have become used to boats. It is easy to get close to them. They do not mind the boats there. They are not tame, but they are very tolerant. The people get a wonderful experience to go out and see these huge animals out there in their native state, and they are either moving or lolling, but it is a time that you can really feel close to something that has not been available to people in this way. Sometimes the animals will come up and even rub against the boats.

Mr. Speaker, this is about to change dramatically. This tourist industry is about to be put in jeopardy by the action of the U.S. Government in recommending to the International Whaling Commission. When they meet in the next few weeks, they will recommend that one tribe in Washington State and several tribes in British Columbia be allowed to kill a limited number of whales.

Mr. Speaker, we have to look at this the way it really is. These are very intelligent animals. They are very intelligent animals. They are tolerant today, but when any killing takes place and there is blood in the water and a whale thrashing around, let me tell the Members, those animals are gone. They will not let another boat near them. They will not let you come within a mile, as soon as that starts.

It is today an excellent tourist industry. It is nonpolluting, it is very positive, it is a great experience. People plan to now begin killing whales again, and they do not plan to eat these whales; this is not an historic use of the whales. It happens that gray whales are worth about $1 million each in Japan.

There is another problem. In addition to the possible devastation of an industry that employs a lot of people, and as

I say, it is a great industry, Japan and Norway have always wanted to harvest whales and have continued to do a certain amount of harvest. We have opposed that. We have said no, we really are not ready to go back to commercial whaling.

If we now start to allow some of our people to harvest whales, how then do we talk to the Japanese, to Japan and Norway, and say, well, it is okay for ours, but they will say, we have a historic right that goes back thousands and thousands of years.

This is something we must not allow to happen. I hope and I plan to work with some other Members to bring a measure before the House to take some action that can be effective in solving this problem before the International Whaling Commission meets.

HONORING THE LATE JAMES H. SHACKLETT, JR., AN OUTSTANDING AMERICAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania [Mr. FOX] is recognized for 5 minutes.

Mr. FOX of Pennsylvania. Mr. Speaker, I rise this evening to highlight to my colleagues the outstanding American who has been a great leader in our community in Pennsylvania, who died this week and leaves behind a great legacy of achievement both in the business community and the civic community of Montgomery County, PA. His name was James H. Shacklett, Jr., internationally known in the label business and a devoted supporter of the Shriners Hospital for Crippled Children. He died this week in his Lafayette Hill home after a long illness.

He was chairman of the National Label Co., a family-owned business where he previously served as president and chief executive officer. His labels that he designed were exclusive, and were for the pharmaceutical, cosmetic, and consumer electronics industry. He was the first American to serve as the director of FINAT, a worldwide printing and graphics arts association, and was director of the Tag and Label Manufacturers Institute of the United States.

He assumed the head of operations of his family-owned company at the age of 26, after the death of his father. An outstanding graduate of the William Penn Charter School and the Carnegie Mellon University of Pittsburgh, he was a 32d degree Mason who served as chairman of the board of directors of Shriners Hospital in Philadelphia for 35 years, and was a director of the Masonic Homes in Lafayette Hills, which was really his vision and his dream. In 1978 he served as Potentate of the LuLu Temple Shrine Club in Plymouth Meeting.

But above all, this was a compassionate man who cared deeply about his family, his community, his profession, and each individual he met and with whom he came in contact. He saw the good in everyone. He made sure that each individual reached their potential.

He was a great father, a wonderful husband, a great grandfather. His philanthropy was legendary, and his altruism for children, for seniors, and for all those with whom he came in contact made him a living legend, someone who was a great friend to all, and he will be surely missed.

But hopefully the memory of his outstanding service, his caring, his sincerity, and his business leadership principles will be followed for many years to come by those who read and hear about James Shacklett, Jr., a great American and someone who was a great friend to all.

TEENAGE PREGNANCY

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Under a previous order of the House, the gentlewoman from Texas [Ms. GRANGER] is recognized for 5 minutes.

Ms. GRANGER. Mr. Speaker, it has been said that every journey, no matter how long or how short, begins with a single step. This week Congress chose to take a first step on the journey towards a future of reason and responsibility. Earlier this week, in a truly historic vote, Congress passed the first balanced budget in over 25 years. With this balanced budget Congress made a decision that will truly make a difference.

Balancing the budget is just the first step on a journey to the future. If we are to ensure that the American dream is a reality for all our people, we must do more than just reform government.

□ 1745

We must strengthen our families and heal our communities. We must acknowledge once again that we as a Nation can never move forward until we help those who have been left behind.

I would like to talk today about one of the most important issues that face our families and our communities, the problem of teenage out-of-wedlock births. Unless we address this problem America cannot move ahead, and I am asking this Congress to commit to addressing the problem of teenage out-of-wedlock pregnancies to strengthen our families and to save our daughters.

Teenage pregnancy is all of our problem. Teenage pregnancy is a family problem. Out-of-wedlock births represented 31 percent of all births in 1993 and, while there was some good news last year, the silver lining cannot hide the cloud of rising teenage pregnancy and those out-of-wedlock births.

Teenage pregnancy is also a health problem. America's high rate of out-of-wedlock births is the primary explanation of our low international standing on measures of infant mortality. It is also an economic problem. The average difference in annual salaries between adults in the early 1930's raising intact families and those raising broken families is $11,500 a year.

It is also a crime problem. More than 70 percent of all juveniles in State reform institutions were raised in fatherless homes. Babies having babies is an American problem. It affects our daughters and our sisters and our neighbors and our friends. It is a problem we will have to work together to solve.

Solving the problem of teenage pregnancy will require a lot more than Government programs or Washington spending. No, that is not the answer. Instead, it is going to require Americans to put their heads together and open our hearts and talk to girls and talk to young women.

I would like to take a moment to tell my colleagues about what does work in combating teen pregnancy. I would like to tell them about the AIM program in Ft. Worth, TX. AIM stands for ambition, ideals, motivation. It is a very successful pregnancy prevention program.

AIM has taken in almost 800 teenage girls, girls whose mothers were teenage mothers, girls whose families were on welfare, girls raised in public housing, girls who statistically would have a 70 percent chance of becoming teenage moms. But miraculously, only 2 of these almost 800 girls have become pregnant.

To help you understand the success of this program, I would like to tell you the story of Michelle. Michelle is a 21-year-old woman from Ft. Worth. Michelle's pregnancy-free adolescence is more than just a story of a woman who beat the odds. Michelle's story is a living legacy for all who care about America's daughters.

Michelle was raised in public housing. Her parents were the poorest of the poor, and no one in her family had ever graduated from high school. When Michelle was in the eighth grade she was invited to participate in AIM. AIM selected Michelle because she was deemed at risk for teenage pregnancy, one of those 70 percent probabilities.

While the odds were against Michelle, AIM is not intimidated by long odds. Michelle and all AIM participants are invited to weekly group meetings, field trips, camp outings. She found mentors who offered advice and also friendship.

Michelle was encouraged to remain abstinent during her teenage years. I am very proud to say that 4 years later not only is Michelle not pregnant, she is on her way to college. Michelle has earned a full scholarship to a small 4-year college in Texas. Michelle is now 21, a successful nurse's aid. She does not live in public housing. She does not

take food stamps, and she is not pregnant.

Michelle is a success story, and she and AIM beat the odds. We need more success stories like Michelle. We can have more success stories through AIM.

Today I commend Michelle and I commend AIM, and I recommend it to all people all over America because theirs is a story of hope and inspiration and character and courage.

As we work over the coming months, all of us, to solve the problem of teen pregnancy, we will visit with more women like Michelle and more programs like AIM.

I commend our Speaker for recognizing the need to address the issue of teen out-of-wedlock births, and I look forward to helping us work to strengthen families and save our daughters.

HONORING ASIAN PACIFIC AMERICAN HERITAGE MONTH

The SPEAKER pro tempore (Mr. WATTS of Oklahoma). Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, thank you for allowing me the time to speak. I would also like to thank my colleague, Representative PATSY MINK, for providing me with the opportunity to join her and others honoring Asian Pacific Americans in this country during the month of May. I join with my colleagues to celebrate this month and look forward to the day when we can have APA heritage month every day of the year.

I take great pride in honoring the memory and the courage of all those brave Asian Pacific immigrants residing in the Chicago metropolitan area as well around the country. I look forward to working with the generations that have followed. As a result of their countless sacrifices and dreams for a better life—for them and their children—I have the opportunity to celebrate the many achievements of Asian Pacific Americans in virtually every facet of life today.

I commend the Asian Pacific Americans in this country for their contributions to the arts, sciences, education, military, and government.

From the Chinese who first came here for the California gold rush and later played a critically important role in building the transcontinental railroad in the mid-1800's. To the all Japanese-American 100th Infantry Battalion and the 442nd Regiment Combat Team in World War II who became the most decorated unit in U.S. military history receiving over 18,000 individual decorations, including more than 9,000 Purple Hearts—in less than a year. They earned this honor despite being designated for internment in American concentration camps on the west coast during World War II. To the Asian-American war veterans who fought heroically for our Nation through many conflicts in the 20th century, including Filipinos, who, alongside soldiers from Maywood, IL, survived the Bataan Death March in the Philippines during World War II. To Hiram Fong, from Hawaii, who became the first Asian-American elected to the U.S. Senate in 1959. To Maya Lin, designer of the Vietnam and Martin Luther King, Jr. Memorials. To Dr. David Ho, an American of Chinese descent, who was recently named Time magazine's 1996 Man of the Year Award for his breakthrough research that led to the development of the most effective treatments now available for the HIV virus, and finally to Gov. Gary Locke, an American of Chinese descent who was recently elected Governor of the State of Washington, becoming the first Asian-American elected Governor in the continental United States.

Again, I salute the community and its many accomplishments. However, I also join with you in your struggles. I understand that the anti-immigrant debate has plagued the community; the effects of welfare reform are being experienced today by many of the elderly poor; anti-Asian violence is on the rise; the lack of good jobs has forced many Asian immigrant women into working in sweatshops; and the whole debate on campaign finance reform has targeted and portrayed the Asian Pacific American community in a very negative light—oftentimes questioning their loyalty to this country. I recognize that the attack on the immigrant community has come swiftly and severely in many forms, including providing an entree for the attack on much-needed affirmative action programs.

Today, the Asian Pacific American community forms a vibrant and diverse group growing faster than any other minority group in America. Many members are economically successful Americans and distinguished in their own areas and others are newer immigrants facing very different circumstances. This creates a new host of issues that need to be addressed.

Back home the State of Illinois ranks fifth in terms of States with the largest number of Asian Pacific Americans residing in that State. Cook County is home to the majority of these residents. Furthermore, the Seventh Congressional District is approximately 5 percent Asian Pacific American—largely consisting of those residents of the Chinatown area.

I am proud to represent this area and join with my colleagues in the Asian Pacific American caucus today in celebrating these fine Americans in the Seventh Congressional District and beyond.

A CALL FOR BACKGROUND CHECKS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. FOLEY] is recognized for 5 minutes.

Mr. FOLEY. Mr. Speaker, let me commend the gentlewoman from Texas [Ms. GRANGER] for that very important presentation.

Let me also talk about a problem that occurs to our young people after they are born. A high school janitor accused in the death of a student had a history of violence, but school officials waited until after he was on the job before seeking background information from the State.

The slaying of Michelle Montoya, 18-year-old popular Rio Linda High School student whose body was found in the school wood shop Friday, has focused attention on the school district's hiring policies and the State's handling of fingerprint checks and requests for background information.

The janitor, 34-year-old Alex Del Thomas, has a four-page rap sheet that includes violent felonies. The Grant Joint Union High School District hired Thomas in April, but the district did not submit a request to the State justice department for information about Thomas's fingerprints and potential criminal history until weeks later.

Thomas, a parolee, served nearly 12 years in Folsom prison for voluntary manslaughter. He pleaded guilty to the charge which stemmed from a 1984 Los Angeles robbery. Sheriff's investigators described him as a former member of the 107th Street Hoover Crips, a Los Angeles street gang.

My colleagues, a child has died once again in our community because of a lack of checking the backgrounds of those that work around our children.

Last week in Saint Lucie County, FL, a 2-year-old baby boy was raped by a 49-year-old individual and the baby died from a heart attack. Day after day you wake up to the TV shows describing another violent crime against our children, a violent crime of abuse, sexual perpetration, denying them their youth. And they are dying on our streets, or they are being convinced, through the Internet, to leave home and run off with someone else or being subjected to pornography and violence every day of their lives.

In 1993, we passed the National Child Protection Act, amid lots of cheers and whistles. States may do background checks, if they choose, if they choose. In Florida, you need a background check and a fingerprint card to get a real estate license. In about 38 States you need background checks and fingerprints to cut hair, to be a cosmetologist.

But if you are entrusted with the care of our children, if you are working in a day care center or school system or taking them out on field trips, we do not need to check the backgrounds. We will just let them go off merrily on their way and hope and pray that the children come back alive.

The National Center for Missing and Exploited Children today celebrated several heroes in our Nation's capital from around the country who have helped recover our children alive and healthy and brought them back to their homes after they had been abducted. I commend their hard work in seeking to solve the problem of abuse in our society.

We will be formulating legislation and several of us will be back on the floor tomorrow talking about the missing and exploited children's programs that we are launching across the Nation. But it is really high time that we focus on how to protect our children.

When you read a story like this, you have to ask yourself, how does a school district find it more important to have clean windows and clean hallways than protecting the lives of our children. They found it inconvenient to do a background check on this individual who just served time in prison for a felony murder. Had to rush and hire him. She was left to die inside her school's wood shop last week after she was beaten and her throat slashed.

Michelle's parents do not get a second chance, but a small investment of tax dollars to make certain that that person was fit for the job could have been done and they could have held off hiring them and saved a life.

But let us not let legislation get in the way. Let us not let protection of our children stand in the way of getting our jobs done. Let us not worry about another Michelle Montoya, because we are all much too busy. We pass laws in this Chamber and then we go on our way and think what a great job we have done. Let us pat each other on the back.

And another child dies, and another child is molested, and two girls are stolen from their home, found in a canal, their naked and beaten bodies found in a canal.

There are sick people running around our communities. They need to be caught. They need to be apprehended. They need to be sentenced to the most severe penalty.

But what would be better is if we apply the laws now, protect the children first, and then not have to suffer the consequences. My heart goes out to the Montoya family and every other parent who has suffered the devastation of the loss of a child.

BUDGET AGREEMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. NEUMANN] is recognized for 5 minutes.

Mr. NEUMANN. Mr. Speaker, I rise this evening to address the House regarding the recently passed budget agreement. I would like to begin tonight by talking about what that agreement really means to the people in this great Nation we live in because it means an awful lot for virtually every generation of Americans in this country. Whether we look at our senior citizens by passing this balanced budget plan that contains a direction and a plan for paying off the Federal debt, when we pay off the Federal debt it really means that what we are going to do is put money back into the Social Security trust fund that has been taken out.

That is very good news for our senior citizens because that means Social Security is solvent for the foreseeable future. It also contains language that is going to allow us to take care of Medicare so that Medicare is once again solvent. For our working families, there are two real important things as we pay off the debt and restore the Social Security trust fund. It also means that we are in a position where we are not going to have to raise taxes on working families to make good on promises to seniors. But it also provides tax relief for the working families in America today through the $500 per child tax credit, a college tax tuition credit, capital gains tax reduction, and of course the death tax is being changed so we do not have to see the tax man on the same day that we pass away. I think it is a very important change in this great Nation of ours.

It seems ridiculous that we would find ourselves in that particular situation. For the younger generation it is great news because this budget contains a plan to literally pay off the Federal debt by the year 2023. And in paying off the Federal debt it means that we can pass this Nation on to our children debt-free. Instead of our children looking forward to having families that are required to pay $500 a month to Washington to do nothing but pay interest on the huge debt, instead of being in the situation we are in today, where we literally pay that $500 a month to do nothing but pay the interest on the Federal debt, this budget contains a plan to literally pay off the Federal debt so our Nation can inherit this country debt-free and keep that money in their own homes and in their own families.

To put it in perspective, just how far we have come with this budget, I think it is important we go back to something that many people in America remember hearing about; it is called the Gramm-Rudman-Hollings Act. It was first introduced in 1985. It laid out this blue line that we can see here as a plan for deficit reduction to get to a balanced budget. The red line shows what actually happened with deficits, and we will notice that we never actually got to the blue line. We never actually hit the targets for balancing the budget.

As a result of course the deficits exploded. In 1987, they realized that their 1985 plan was not working so they fixed it and they passed Gramm-Rudman-Hollings 2, and again the blue line shows the direction to get to a balanced budget. The red line again shows exactly what happened. And as we can see, they never hit their targets for a second time straight.

I would like us to contrast this picture, a plan that was laid out to balance the Federal budget where they never hit their targets, with the plan of 1997 and in particular what has happened from 1995 forward.

This chart, the red columns, show what we promised to the American people when we passed our plan to balance the budget in 1995. The red column shows what the deficits were projected to be. The blue column shows what they actually were. Notice the stark contrast between the Gramm-Rudman-Hollings, where they never hit their targets, and what has gone on out here today.

As a matter of fact, in fiscal year 1996, a year that is already completed, we not only hit our targets, but we were about $50 billion ahead in terms of deficit reduction. Right now today, 1997, we not only hit our target for 1997, but we are over $100 billion ahead of schedule. A lot of folks are asking how can that possibly happen. That happened because the economy performed better than anyone anticipated.

We had this working model back in 1995. It was a theory. The theory went like this: If Washington could control spending and therefore borrow less money, that money would stay available in the private sector. And when the money is available in the private sector, more money available, interest rates will stay down. When rates stay down, people can afford to buy houses and cars. And when people buy houses and cars, somebody else has to build the houses and cars. That is job opportunities. And when people fill those job opportunities, that means they are leaving the welfare rolls and going to work.

The idea here is that less government spending, more money is available in the private sector, lower interest rates, lower interest rates leading to more homes being purchased, people living the American dream. More cars being purchased, leading to more job opportunities. That was our theory.

The theory worked better than anyone could have possibly imagined. And that is why it is that we see this chart over here where we have not only met the expectation in our promises of 1995 but we have exceeded them.

□ 1800

How did this happen? How did we actually control spending?

Well, Mr. Speaker, I will wrap up this portion of it, and I will have an opportunity to work with the very prominent freshmen that have joined us this year in Congress to carry this plan forward, by saying that I think this is the best thing that could possibly happen for future generations of Americans.

BALANCED BUDGET AGREEMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Missouri [Mr. HULSHOF] is recognized for 60 minutes as the designee of the majority leader.

Mr. HULSHOF. Mr. Speaker, the newly elected Republican Members of this body have faithfully and dutifully come to the floor each week to talk about positive solutions to some of the Nation's problems. We have done this

since February and we have talked about ideas to renew American communities, ways to reignite the era of big citizenship, even as we dismantle the era of big government.

We have talked about ways that the Federal Government can be a partner rather than a parent. I think that the gentleman from Wisconsin, we would be happy to make him an honorary Member of the freshman class for this special order, but what we want to focus on is exactly what the gentleman from Wisconsin began with.

It is true, Mr. Speaker, that some of us here in this Chamber are a bit bleary eyed from a lengthy day, and I see staff rolling their eyes, I think they share in that feeling, but what I want to do is make an announcement. The American people, Mr. Speaker, have gotten their money's worth. They got their money's worth first of all yesterday, in that we focused as a body on I think the single most important issue facing this country.

We had a debate that began yesterday that went well past midnight. It was a debate that remained focused on the issues at hand. It was a professional debate, one that much civility surrounded that debate. We debated well into the early morning hours and for those individuals across the country, unfortunately, who will invariably find fault or choose to find fault with this institution, I think the American people got their money's worth yesterday and it was a testament to the positives of this great institution.

But far more important than that, Mr. Speaker, the American people got their money's worth in a substantive way. They got their money's worth in this bipartisan agreement in which 333 individual Members from across this great land resoundingly endorsed. This bipartisan agreement is going to help restore economic freedom and opportunities for all Americans. That is what we would like to focus on for the remainder of this special order.

I am joined by some of my colleagues, and I would be happy to yield to my friend from Kentucky, [Mrs. NORTHUP].

Mrs. NORTHUP. Mr. Speaker, I thank my fellow freshmen and those of us here that are here to talk about the budget. I appreciate having the opportunity to discuss this issue. It is one of the most important issues. It was discussed in my district at every public meeting and every discussion regarding the direction that the Federal Government is going.

In my remarks tonight I would like to focus on the bipartisanship, the fact that we understand how the American people feel; that they want us to recognize that good ideas come from both sides of the aisle and they come from both ends of Pennsylvania Avenue.

And so even though this budget agreement does not look like any one of us would have written had we had total control over it, we have had to learn the lessons that we have learned in every aspect of our lives and that is to listen, to build a consensus, to grow and to learn from others.

This has very much been a part of my life, Mr. Speaker. I have said a lot of times that I learned a lot of life's lessons growing up in a family of 11 kids. None of us got our way all the time. None of us got to watch the channel on television that we wanted. None of us got control of the family, but we learned to listen, we learned to understand the varied perspectives, we learned to deal with those ideas and we put them all together, and together we found a better way.

So many cynics are out there and they always feel that the glass is half empty, and I believe that we need to look at the glass half full; at what we gained. In my years of being in the Kentucky General Assembly it became so recognizable that it is so easy to oppose something that is big and complicated because there is always one thing one can be against. There are always a couple of things that one could find different, but if we are to make big progress we have to unite and do it together.

In closing, I wanted to say tonight that we talk about budgets, and they are inevitably about numbers, but in truth this is not a debate and it is not a discussion and it is not a consensus about numbers, it is about our children. It is about my six children, two who are joining the work force, two who are in the work force, and two who are about to complete school and join the work force, and it is about their opportunities, it is about their freedom from taxes, from the cost of paying for the debt that we have run up.

When I came to Congress I thought about my children, I thought about their generation, I thought about the opportunities I hoped that they will have. They are going to have to work hard. They will have to go to work every day and they will have to contribute to this country, because one thing that will not change is that they will be responsible for America tomorrow. But thank goodness we are giving them an America that will not be so burdened by debt.

It has been a wonderful last 24 hours. We have made such progress and I am proud to be here with the other Members of my class talking about what that accomplishment really means.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentlewoman's comments. We sometimes do fall into the trap of talking about numbers, and certainly in the Kentucky legislature probably rarely did the gentlewoman even use the term "billions of dollars" and yet we toss those terms around here in Washington without really recognizing just what is involved when we are talking about these numerical values.

I think the gentlewoman summed it up very well and put it in very human terms, especially having come from the strong family tradition that she has and we appreciate her work with this.

The gentlewoman mentioned, Mr. Speaker, this bipartisanship. I think it is interesting to note that yesterday the newly elected Members on both sides of the aisle, freshmen, Republicans and Democrat freshmen, actually came together and we had a press event to announce our support for what had been hammered out in these negotiations by the administration as well as congressional leaders.

Quite frankly, many of us, regardless of party, in the months leading up to November of 1996, we campaigned, Republicans and Democrats alike, campaigned on this single issue. In fact, I recall and I was reminded by my staff that shortly after the election as we were talking about what we were going to focus on in this Congress, this 105th Congress, I made the statement that if all we did in this Congress was to pass a plan that would balance the budget, that we could fold our tents and go home and we could declare this Congress a success.

We have begun that step in that direction, and yesterday I think the strong support by not only the freshmen Republican Members but freshmen Democratic Members who joined us, joined us in this debate and joined us in this vote and in this effort, even as some more prominent Members of this body were making front page headlines, I think there is a difference between looking to the next election and then looking toward the next generation, and I believe we have focused on the next generation.

I see my friend from Wisconsin, who actually was here a newly elected Member in the last Congress. I would yield to the gentleman. How is it that we have been able to move in the direction that we have from the last Congress, when we had the government shutting down, into a bipartisan plan that garnered 333 votes?

Mr. NEUMANN. Well, first, Mr. Speaker, I want to thank the gentleman very much for being here and for making me an honorary Member of the freshman class. I do consider that a great privilege and great honor. During our freshman class we only gave that to one person during the entire Congress and that was to the gentleman from Ohio, [Mr. KASICH], so I consider this a great privilege in joining my freshmen colleagues this evening.

What happened over the last couple of years is that government was growing at a very, very rapid rate, and I understand what the gentleman is saying about numbers, but it is also important, I think, that the American people at least put into perspective what is going on.

This red column shows how fast government was growing in the 7 years before we got here in 1995, and the blue column shows how fast it is growing now. Now, it is important in the blue column to realize that it is still going up. Government spending is still going up.

So when we talk about the truly needy people in this Nation, these programs are not being cut and annihilated and all those bad words that we heard in the last Congress. That is not what is going on. Government spending in fact is going up, and in a very organized and direct and caring manner.

Government is learning to control the rate of growth of spending. It is learning that instead of growing at 5½ percent it can only grow 3½ percent. And if it just controls the growth of spending, not radical cuts like we heard in the last 2 years, but just control the rate of growth of spending, that is what is going on here and that has led us to be on track and ahead of schedule as we look to balance our budget.

In the part of government that Washington controls the most, and there is a lot of parts to the budget, but the part that Washington controls the most is the part that probably many of our colleagues maybe even have never even heard of. It is called nondefense discretionary spending. That sounds like a complicated term. That is the part of government that includes everything except Medicare, Social Security. Those are called mandatory programs. Does not include interest. It includes that small part of government that we actually vote on year after year in the appropriations process.

In that area we can see in this chart, again the red column is how fast it was growing before we got here, and we can see how that growth has been slowed and actually in real dollars we can see what it was going up before in the red column and now it is actually shrinking. That is the part that is actually shrinking. When we ask how have we stayed on track and how are we able to do this harmoniously, we are now on this track and ahead of schedule and it puts us in a position where instead of demagoguing, one side to the other, and frankly both Republicans and Democrats have a tendency to do that to each other, but instead of doing that this year, we have stayed on track.

The track is laid in place and now we have to carry that through, and that is what the freshman class is such a very important part of.

I have one more chart that to me really says it all. It says hope for the future of this great Nation. It says our seniors can once again count on what they are expecting from government in Social Security and Medicare. It says our working families can expect to keep more of their own money instead of sending it to Washington. And it says our children can look forward to a bright future in this country.

This red line in this chart shows where the deficit was headed if there had been no laws changed in 1995. So if the 1995 laws were still on the book today, this red line shows us where the deficit was headed. In our first 12 months here they were very difficult. I compare them to a war. There were no bullets being fired, but it was just short of that, is what was going on.

In the first 12 months this red line got moved down to here. That is how much progress we made in terms of getting government spending under control. We also laid this plan into place to balance the budget. This green line shows our plan for deficit reduction, for getting to a balanced budget so that our children could once again have hope in the future of this great country we live in.

Remember the Gramm-Rudman-Hollings where we never hit the targets? This green line shows the targets that were laid into place in 1995. The blue line shows us what is actually happening. We are winning this battle that was started 2 years ago, and we are not only hitting the targets, we are exceeding our expectations in terms of reducing this deficit and to a balanced budget so that our seniors can again be confident that Medicare is there for them, that Social Security will be there for them, so that our working families can look forward to keeping more of their own money instead of sending it to Washington.

We are ahead of schedule so that our children in this great Nation we live in, and I have three of them, they are all teenagers, and I hope they are not too far away from starting their own families, but those children can now start thinking about the fact that this Nation is not going to destroy its economic future, but rather is going to get to a balanced budget, pay down the debt and now provide them with the opportunity to live the American dream.

It is not going to be given to them. It will have to be theirs through lots of hard work. They will have to get up in the morning, go to work every day, and work very, very hard, but they can look forward to a situation where instead of sending their paychecks to Washington, they get to keep them in their own homes and decide how they want to spend their own money.

□ 1815

That is what this chart is all about, and that is the track record that we are laying down for the American people.

Mr. HULSHOF. If the gentleman from Wisconsin [Mr. NEUMANN] would yield, before returning here to the Nation's Capital, as we had this debate yesterday, I had the privilege to stop by one of the schools in my district, Ashland School, and I spoke with a ninth grade class. It was their Government class. We were talking about issues, and I was really trying to put it in terms that they could understand.

They were asking what are we going to be addressing this week. I told them I thought it was going to be quite historic because I believe we were going to pass a budget resolution with a lot of support from the other side as well as from our side that would finally get us on the path that unfortunately we had gotten off of in the past couple of decades and trying to boil that down in terms that they could understand.

These were 14- and 15-year-olds and some 16-year-olds not yet old enough to vote but some of them starting to get their cars. So we started to put it in real terms. I mentioned to them that, if we took the Federal debt, this big number, and if we divided it up by every man, every woman, every child, every ninth-grader across this country, that each one would owe us or have to pay somewhere in the neighborhood of about $20,000. And suddenly their eyes popped wide open because we started talking about some of the things that they could actually purchase, or some of them that were beginning to work and trying to get some money to purchase a car that suddenly this was a very real figure to them.

So they wanted me to come here and say fix this problem. I think the gentleman from Wisconsin [Mr. NEUMANN] has talked about, I think, the plan to do that.

I see that my friend, the gentleman from Colorado [Mr. BOB SCHAFFER] is here, who also has been a tireless worker in this effort. I would be happy to yield to my colleague.

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I thank the gentleman for yielding.

This theme that my colleague mentions of the incredible debt that every single American owes right now just to the principal on the debt is something that really gets one's attention when confronted with it. But it is not just that debt, that immediate $20,000 that we all owe today.

In fact, I have mentioned this before. My wife and I just had our fourth child a fewer months ago; and on the date of her birth, she owed $19,700 to the Federal debt. That was her obligation. And that is true of any child born today. But we cannot just stop at the debt. Again, that is just the principal.

Mr. Speaker, when we look at what that child is obligated to the pay over the course of his or her working life on the interest on that debt, it amounts to approximately over $200,000, again over the course of that child's working life. Now, that is assuming, as the gentleman from Wisconsin [Mr. NEUMANN] pointed out, the red line here.

That is if the Government continued to run on as it did until the Republicans showed up here that the interest

on that debt would have continued to climb and continue to be an insurmountable burden for every single child in America. But that line is changing and that is really the positive and the optimistic portion that we need to focus on today.

We are really changing that number, that $200,000 obligation that we heard over and over and over again on the interest on the debt is contemplated in this budget agreement that we are moving through Congress right now. We are, in fact, lowering the burden and making it possible to pay that debt off sooner than any Congress prior to us had ever contemplated and ever envisioned. That is really what is exciting, what I hope people focus on and take into consideration as they decide where they may stand on this issue and watch it move through.

Mr. Speaker, I would like to point out a couple things. I prepared some notes ahead of time. For those of us who care about children or have children or are concerned about children in our districts and our neighbors' children and grandchildren, and so on, I hope we think about them at this particular point. That is the object of our attention when we are constructing this budget and moving it through this process.

President Hoover once sardonically observed, he said, "Blessed are the young, for they shall inherit the national debt." Now, Americans of my generation have frankly done somewhat of a disservice to those children, because frankly, up until just a few years ago, this Congress has not had the courage to pay for the things that we want right now. We figured that my daughters and our children and everybody else's children would not mind paying for the things we want right now, we would just pass the bill on to them.

We have not been paying our debt as we go, and we have been shrugging it off on our children. But we must begin to pay as we go before it is too late, before we have condemned our children to a lifetime of exorbitant tax rates and bankrupt entitlement programs. It is incumbent on all of us as we step up to the plate and take responsibility for our Nation's future. We have come a long way, but we still have a long way to go.

This balanced budget agreement between congressional Republicans and President Clinton is an important first step, but it is no more than a first step. If we are to ensure the long-term solvency of entitlement programs like Medicare and Social Security, if we are to ensure that not only that the budget stays balanced but that we begin to pay off that enormous national debt that I spoke of, then there is still much work ahead of us.

I would be kidding if I said that all or even most of our disagreements have been resolved. They have not been resolved. But slowly, steadily we are making progress. And faced with the prospect of government growing larger and larger each year, like a snowball rolling downhill, we have stood in its path, held up our arms, and demanded that it stopped. We have slowed the run-away growth of Medicare and Medicaid spending and returned more power to the States and to the local governments and to the American people.

Everyone knows that the bipartisan balanced budget agreement is not perfect. It does not provide working Americans with as much tax relief as I would have liked to have had. Government spending is not restrained as much as I think it ought to be. Washington, DC, still wields too much power and authority and influence over our lives, and the Federal Government is too large. There is still much work to be done. Returning power and authority back to the States and the communities and individuals themselves, we need to do all that.

We are nowhere near being finished. The agreement does represent a good start. It is the first real hope of getting our country out of the red ink and back into the path of fiscal sanity. The balanced budget agreement is not perfect, but we still must not allow the perfect to be the enemy of the good. Every American will feel the practical, real-world effects of a balanced Federal budget through lower interest rates, greater economic growth, and a higher standard of living. In terms of the money in our pockets at the end of the workday, a balanced budget is the greatest tax cut of all.

Mr. Speaker, the day we have sought for so long has finally arrived. Of course, there are those on both sides of the debate who are quite unhappy with the bipartisan budget compromise. Much grumbling has been heard from the peanut gallery. The cynics and the press have taken their shots at the agreement, as well. Fair enough, let them take exception. No one has ever claimed the balanced budget agreement is perfect. But balancing the budget is a goal. It is a goal that is too important to let it elude us once more just because the best agreement that we could reach with the President does not go far enough. It is a start.

Remember, it was 28 years, it has been 28 years since Richard Nixon first took office that we have been trying and failing to balance the Federal books. Enough is enough. We cannot permit the annual flood of red ink to capsize the ship of state. There will be another day to argue for the rest of the Republican agenda. But today, let us say there will be no more debt. The better part of valor is discretion. We must take other victories small and large as we find them. And this bipartisan agreement with President Clinton is a victory, not only for Republican ideals, but for the American people.

Mr. HULSHOF. If the gentleman would yield, I think the point is significant that 1969 was an amazing year. That was the year that the Mets won the series. It was the year that Neil Armstrong first walked on the surface of the Moon. And it was the last time that the Federal Government passed on to the American people a balanced budget.

Mr. NEUMANN. If the gentleman would yield, I had the wonderful privilege of having my wife here in Washington, which does not happen very often, and she is here tonight. In 1969 I was a sophomore in high school, as was she, and we were dating each other. And that is a while back at this point in time in my life. So I believe we started going steady in 1969, so it is a very memorable year.

Mr. HULSHOF. Well, just as Mr. Armstrong uttered those words that are etched in history, "one small step for man and one giant leap for mankind," I am hopeful that what we accomplished early this morning as far as this bipartisan agreement will be at least a step toward another historic milestone.

I would be happy to yield to the gentleman from Georgia [Mr. KINGSTON].

Mr. KINGSTON. I thank the gentleman from Missouri [Mr. HULSHOF] for yielding. It is interesting that we passed the balanced budget agreement today, because it seems like years ago when we were up 24 hours doing what we have been doing.

I wanted to speak specifically on the tax relief portion of it, because for too long Americans have sent far too much of their hard-earned dollars to Washington, DC. This bipartisan balanced budget agreement provides for the first time significant tax relief and serves as a first step toward reducing the outrageous tax burden on American middle-class families.

The agreement guarantees that American families will get a tax relief that they desperately need. It provides new tax credits for higher education and a reduction in the death tax, and it also gives capital gains tax relief that will end double taxation and spur an explosion of economic growth and bring new jobs and renewed prosperity to the working people all around America.

Perhaps the most important, however, is that the balanced budget agreement finally makes one of the key promises of the Contract With America a reality. At last, it gives a long overdue $500 per child tax credit to American working families.

So let me say to all the parents struggling to make ends meet, the parents who burn the candles at both ends in order to put food on the table, the parents who sacrifice their own needs

and give everything that they have got to make sure their children have a bright opportunity, we have finally heard you and we have finally done something about it. We recognize that nothing we say or do in Congress is as important as the daily work you undertake, the work of raising the next generations of Americans. We have no more right to take such a large chunk out of your paycheck each month as we would to snatch the bread directly out of the mouths of your children.

Mr. Speaker, being a mom or dad is the most sacred obligation and the most awesome responsibility that anyone can possibly assume. Family is the backbone not only of this great Nation but of all civil society. It was Aristotle who observed that the state is made up of households. Without strong households, even a nation as mighty as the United States will surely crumble.

The Republicans' $500 per child tax credit will allow families to keep an extra $500 of their own money for each child. That is $500 that parents themselves will be spending on their children's welfare instead of giving it to Washington bureaucrats.

I do not doubt that almost every family in America will spend that $500 more wisely than we would in Washington. It is hard to raise a family these days. I know, I am a father of four children, and my wife and I work constantly trying to do the right things for our kids. It is very, very difficult. But the world is complicated, probably more complicated and more threatening than when I was being raised in the 1960's and the 1970's, and parents have to work harder.

It seems like everybody has two-income families. And sometimes parents, moms and dads, are just ships crossing in the night and they do not get to sit down at the family dinner table anymore and impart information from generation to generation. But it is very, very important that we do, that we spend time as the family unit together.

Family tax credit is Washington, not just returning money back to the family, not taking money from the family, but actually returning power and responsibility back to the moms and the dads and also saying, because we are going to be taking less from you, you will be able to spend a little bit more time with each other.

Mr. Speaker, let me yield back. I wanted to make a few other points, but I think it is just so important that we all recognize that part of it. And again, balancing the budget is not about numbers, it is about people.

Mr. HULSHOF. Mr. Speaker, I appreciate the gentleman joining us on this day as we continue to wrap up and talk about what I think is probably going to be looked back upon as one of the most important positive steps that we have made, certainly in this Congress.

I think the gentleman from Georgia [Mr. KINGSTON] makes a good point. I am privileged to serve on the Committee on Ways and Means, which, among other areas of jurisdiction, tax relief is one of the things that we will be dealing with. And I was engaged in a dialog with a Member on the other side, another member of the Committee on Ways and Means, who was talking about how much that a certain item was going to cost Washington in revenue. And my response, perhaps because as a wide-eyed new Member, but my response was, well, Washington's loss is the American family's gain. I think that this plan does include much needed relief, as the gentleman has pointed out.

Mr. NEUMANN. Mr. Speaker, I will just point out one or two additions to this, and it certainly relates directly to the idea of people keeping more of their own money as opposed to sending it to Washington. Did my colleagues know today the Federal Government in Washington, DC is spending about $6,500 on behalf of every man, woman, and child in America?

So when we talk about these tax cuts or we talk about people keeping more of their own money, they are already sending $6,500 per person for every man, woman, and child in the United States of America. That is the equivalent of how much this Government spends today.

When we talk about tax cuts, the real question we should be asking ourselves is, do we think Washington could get by on, say, $6,000 for every man, woman, and child? It almost gets to be laughable when we talk about it, if it was not sad that we are taking that much money from our families, and if it was not for the burden that taking that money from our families places on us and the strains that those things place on our families.

□ 1830

I have just one more thing, and then a few notes here that I would like to go through. This past weekend I had an opportunity to talk to one of our family's friends from church. They have got three kids. We were talking about these tax cuts. The tax cuts to them are very, very real, the idea of the fact that they have two kids still living at home, that they would receive $500 per child. They are middle-income people. I do not know exactly their salary, but it is between probably $30,000 and $50,000 a year. The idea that they would get to keep $500 per child more of their own money in Wisconsin, in their home, in their family as opposed to sending it out to Washington, that is an important idea to them. They have one in college. Of course, the college tax credit would also be part of that.

I have a few notes that I just want to run through. This whole debate is really about less Government, not more. In the 1990's, America has engaged in a great national debate about the roles and the responsibilities of Government. Liberals and conservatives, Republicans and Democrats alike, we have argued and argued about the role and the scope of Government. The questions we have debated so furiously, sometimes bitterly, but always with conviction, is how to solve America's problems: By ceding more power and authority to Washington, DC, or by retaining it in the States and local communities, in the churches and in our families?

As Republicans, we have always argued for a less centralized bureaucratic control and more individual liberty. We believe that in the affairs of State, it is always preferable to err on the side of freedom. The bigger a nation's government, the more it taxes citizens, the less freedoms that society will enjoy. As Republicans, freedom has been our greatest cause and freedom cannot coexist with a bloated, wasteful, corrupt Washington that inserts its tentacles into every aspect of our lives.

It is wrong for the U.S. Government to spend more money each year than it takes in in taxes. It is wrong for politicians to load down our children and our grandchildren with a debt tomorrow so they can avoid making the hard choices today. It is wrong to continue blindly down the same perilous path that we have been on for almost 30 years.

In 1980, Ronald Reagan told us that Government was not the solution, Government was part of the problem. He pledged to get Government off the backs of the American people, to restore freedom, that alone could make the United States that shining city on the hill once again. He transformed not only the Republican Party but the entire national debate. The basic question that has dominated American politics since Ronald Reagan's election has finally been answered. America's problems can best be solved by less Government, not more.

We have won the battle of ideas. President Clinton himself has declared that the era of big Government is over. Political leaders on both sides of the aisle understand that while Government does do many good things, it cannot do everything. Even if Government could solve all of America's problems, and it cannot, even if Government did not threaten our individual freedoms, and it does, we can no longer afford it. I think that brings us back to what we were discussing before. When we start thinking about every man, woman, and child in America paying something like $6,500 a year just to pay their taxes to this Government, we begin to understand the impact of this over-Government-spending on our families in this great Nation. A lot of people do not even realize when they are all paying taxes, when you talk in the store

and buy a loaf of bread, the storeowner makes a small profit on that money that you paid him or her for that loaf of bread. When they make that small profit, part of that profit comes to Washington in the form of taxes. When it is all over and done with, this Government is collecting an average of $6,500 for every man, woman, and child in America, every year, to fund the programs that it is currently running.

That is what we are talking about when we are talking about controlling the size and scope of this Government. We are talking about reeling in spending so that we do not have to continue collecting that much money from our families and placing that great a burden on our families today financially.

Mr. HULSHOF. Mr. Speaker, I think the gentleman makes an excellent point that oftentimes these taxes are in the form of fees that are actually hidden in some forms.

I had a radio townhall meeting that was focused on Tax Day. We were just talking about all different types of tax issues. A gentleman made a point, he said, I am puzzled because I hear you in Washington talking on the floor of the House and in other ways that we are paying more in taxes than we do for food, clothing, and shelter combined. He had just figured out his individual income tax form. He said, "I'm only paying 21 percent. I don't understand how it is that you can make this claim."

The point was as we tried to explain to him was that many of these taxes are actually hidden and we do not write out a check as we do to Uncle Sam on April 15. For instance, this morning many of us who grabbed our first cup of coffee, we paid a tax. When we drove to work this morning, we paid a gas tax. Of course, we pay income taxes on our salaries. For those of us fortunate enough to pursue the American dream and to be able to own a home, we are going to pay property tax, not to mention the payroll taxes and workers compensation taxes and fees and then, as the gentleman mentioned earlier, when we die, there is the Government with its hand out wanting a death tax. That is the large picture of all of these different fees and taxes that the Government has very cleverly put on us as a burden and how it is that we end up paying this burden that we are trying to provide relief for.

Mr. Speaker, I yield to the gentleman from South Dakota who was also debating very vigorously well into the morning.

Mr. THUNE. I want to thank my friend from Missouri, our very distinguished freshman class president, a member of the Committee on Ways and Means. It is a great privilege to be here this evening, a little earlier in the evening than we were last night, but again following up on some of the discussion that was held in talking about what is truly an historic occasion for this country and something that I think is this incredible accomplishment for the future of our kids and our grandkids.

The gentleman mentioned taxes. We are very tax-happy in this country. One of the things that occurs to me is I do believe that in many ways, taxes have a very subtle, insidious effect. In many ways we do not see the effect of the taxes when we pay them.

The gentleman alluded to some specific instances where we end up paying taxes and many times are not even aware that that is the case. It strikes me that there are some things in this particular proposal, the plan that we approved last night, which are just going to be tremendous benefits to people all over this country. I think of those in my own State. Of course, our State is primarily agriculture and small businesses. We have a lot of family farms, we have a lot of small businesses on the main streets of South Dakota, and things that are going to really benefit an area like that.

We talk a lot about preserving the culture of the family farm in America. One of the big deterrents to that is the fact that when someone dies, we have a death tax. It is very difficult to pass it on. In many cases, those properties have to be liquidated just to pay the Federal Government what is due in taxes. I think that bringing some relief in the area of death taxes is an incredibly important step in this process and it is something that certainly will benefit the farmers, the small businesspeople, the people who make their living off the land in my home State of South Dakota.

I would also say that the capital gains tax relief that is incorporated in this package is something, again, that is going to help those very same people. Those are the people who create the jobs, create the wealth, provide the opportunities and keep this country's economy moving forward. I believe, again, if we can somehow bring some tax relief, that will give them the opportunity to do what they do best, and that is to continue to promote and allow the entrepreneurial spirit in this country to thrive.

Just a couple of thoughts, if I might. I think that the beauty of this thing is that a Democrat President and a Republican Congress have finally agreed on a plan to balance the budget by 2002, erasing the annual deficits that darken our children's future like a black cloud. Most of us I think would say, "It's about time." At last the politicians have stopped fighting; if only for a moment, have actually started working together for a change, doing what needs to get done.

As I walked up and down the streets of my State in South Dakota, and I would suspect that it was the gentleman's experience as well, one of the things that we heard repeatedly is, "Can't you people in Washington work together in a cooperative bipartisan way to solve these problems?" I might say, too, as well, that for those of us who have been here a very short time, members of the freshman class, both political parties for 28 years, we have not been able to get to a balanced budget and we arrived on the scene. I think that speaks very well for the freshman class this year. I know there are a lot of people who have been a part of this process for a long time and who have been committed to it as well.

Most Americans, I believe, think we ought to put partisanship aside, roll up our sleeves and go to work solving the Nation's fiscal problems. They like the idea, at least I think the 1996 elections suggested this, of a political party from one side in the White House and a Congress from the other, swallowing their pride, holding their noses if the case need be, and meeting each other halfway for the good of the country.

The Democrats have joined the Republicans in agreeing that the United States must get its fiscal house in order. We have finally come to understand that to avoid doing so is not only bad policy but it is immoral as well.

I think a new consensus is emerging in this country, a consensus of common sense, of fiscal restraint born of the realization that our children's future depends on an economy free of crippling deficits and a skyrocketing national debt. As Thomas Jefferson once said, it is incumbent on every generation to pay its own debt as it goes.

Republicans and Democrats have finally stopped bickering and come together to find solutions to our most chronic of economic problems. Where we can find common ground, where we can agree on solutions, we have acted to cut spending and to provide tax relief for American families. Where we are still far apart, and we are in some areas, we have done the best that we could.

The American people, I believe, are tired of tantrums, they are tired of accusations and name-calling and intransigence on Capitol Hill. They demand that we cooperate, that Republicans and Democrats alike work together to find common solutions to our problems. We Republicans gave a little. The Democrats gave a little. We agreed to support some of the President's domestic initiatives and he agreed to respect our priorities.

I think critics on both the left and the right have denounced the bipartisan balanced budget agreement because it does not fully satisfy all their demands. They are absolutely right. The budget agreement cannot be all things to all people. It is, indeed, a compromise, but compromise, after all, is a prerequisite of democratic government. Without compromise, there can be no progress.

One sign that the balanced budget agreement is a good one is that no one is completely satisfied with it. Everyone, Democrats and Republicans, Congressmen and Senators, can think of ways the agreement should be altered to make it more to his or her liking. There is a time for ideology and a time for practical wisdom. There is a time for fiery rhetoric and a time for calm and reasoned accommodation. There is a time for speechmaking and there is a time for action.

It is time to act. We have compromised on specifics, on details, without compromising our principles, for there are certain core principles, I believe, that Republicans will never compromise on. We will never compromise on the principles of limited government and individual freedom. The balanced budget agreement represents a critical first step. Keeping our principles always in sight, we need to move forward together.

I think that leaves us with one final question; that is, where do we go from here? I think it is important that we look down the road because we have achieved a great milestone. Reducing the size of the Federal Government, reforming entitlements, revamping the Tax Code, all of these goals are extremely important and they have not been forgotten. But the importance of the balanced budget amendment should not be underestimated. The road ahead of us is a long and an arduous one. As conservatives, we look at this budget agreement as a promising beginning and nothing more.

Much of this year will be spent implementing the provisions of the understanding between congressional Republicans and President Clinton and writing the terms of this agreement into law. This is only a starting point. We have no time to waste congratulating ourselves.

Where we can agree, we still need to work together, and we will work together. Where there remains disagreement, I say, let the debate begin; because if this were the end of the discussion, many of us might have reason for concern, but this is only the beginning of what will be a long process. The journey of 1,000 miles starts with a single step. Tomorrow there will be plenty of time for passionate debate, for uncompromising stands, and for further battles. So today let us join hands across the aisle and make that important first step together.

To my friend from Missouri, I look forward to working with him and the other members of our freshman class, some of whom are on the floor this evening, the gentleman from Colorado, Mr. BOB SCHAFFER, a very distinguished member of our class, to do the things that are important, to see that we implement the promises that have been made, that we continue to stand firm on the principles that we believe in and the things that we talked about, and the reason that we are here today.

We have something which I think is just absolutely an historic start, and I look forward to continuing down the road toward fiscal responsibility and fiscal sanity in this country. I think it is the right thing to do, for our kids and for our grandkids.

Mr. HULSHOF. I appreciate the gentleman's words. I think very eloquently stated.

I yield to the gentleman from Colorado.

□ 1845

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, I appreciate the gentleman. I want to continue on the observations that the gentleman from South Dakota observed.

Mr. Speaker, we talk about what cutting spending and slowing the rate of growth in government means for the American people, and it really is dollars in the pockets of American families and American individuals. Well, this is how this works. What occurred in 1995 when the Republicans took over the Congress and began to become serious and make this institution serious about shrinking the size of the Federal Government, the impact of that was to put more cash, more wealth not in Washington's pocket, not centralized here in Washington, DC, and in big government, but to move that wealth out to the country again and put it back in the hands of the people who are earning it and working hard, who, in fact, spend those dollars more wisely and better on things that are more important for their children, for their farms, for their businesses and so on.

When you look at these blue bars here; again this is the levels of the deficit, and these are the charts of the gentleman from Wisconsin [Mr. NEUMANN] that was here a few minutes ago. The red lines, the red bars, are what in 1995, under the Republican plan, what we projected our deficit to be. As you can see, our deficits are much lower all the way out through 2002 as a result of less spending.

Now this was far and above beyond our projections and our hopes and what we had aspired to accomplish with deficit reduction, and again what this shows: this was a surprise to many people, so there are many people that still do not believe this. They still cannot believe that the deficit actually shrunk more than we had hoped, even with the new Congress taking over back in 1995. And we expect that to go down even more.

This is the real effect of moving wealth out of Washington and strengthening the financial positions of every American family, not by giving families handouts or by giving more Federal benefits or creating more government programs, but just by leaving people alone, just by taxing them less, by allowing the dollars in their pockets to be more productive.

And you know the deficit projections, even the blue bars that we have projected out in 1998, 1999, 2000, 2001 and way over there at the end in 2002, and let me point that out. This way over here at the end, the far left of the graph in 2002, you cannot see the line here, right over there. That is because we projected that deficit will be a negative deficit in 2002 by about $1 billion at this point in time. But even these projections have the possibility, the outside prospect, of even coming in lower than we project here today.

Now these are conservative numbers because we are a conservative legislature. We want to be careful. We do not want to over promise and then end up under delivering at some point in time. But just as these projections here for declining deficits were far surpassed and far exceeded by reducing the deficit more than we had anticipated, that opportunity, that chance, still exists here. In fact, if the economy continues to perform as strong as it is today over that next 7-year period out to 2002, we will see deficits come into a balanced budget period before the end of the decade. And again that is all predicated on some assumptions that turning wealth, turning authority, turning of power away from Washington, DC, and toward the States and toward families and communities is in the long run beneficial for communities.

Now the gentleman from Missouri mentioned tax cuts before. You know, many people did not believe this either. They did not believe that we could actually cut taxes and see us glide, put ourselves on a glidepath towards a balanced budget. Even the President during the course of the 1996 campaign said this is ridiculous, you cannot cut taxes and balance the budget at the same time. But, lo and behold, we come here to Washington, and when forced to compromise and sit down at the table with reasonable Republicans and those who understand full well the economic history of America, that President came to the conclusion that cutting taxes is indeed necessary to achieve our common goal of balancing the budget.

Now there are those, as we mentioned before, in the outside, the fringes, of those represented here in this body who oppose the idea of tax cutting. They do not want to put more authority into the hands of families throughout the country. They like holding it here because it puts them in charge here in Washington and in the Congress.

Well, fortunately this morning, when we voted on this package, the reasonable voters, the reasonable thinkers, the reasonable Members of Congress who are dedicated to balancing the budget, came to their right conclusion, that cutting taxes, reducing spending,

reforming entitlements and making government smarter will accomplish a balanced budget by 2002. That is the promise of the agreement that was reached this morning and that was confirmed by this House and will soon be, I am confident, over in the Senate as well.

It is the capital gains tax, the inheritance tax, the $500 per child tax credit, the tax relief for college students, families who send their children to college, those kinds of reductions in tax policy, that tax relief that we provide to families, that is the seed corn that really helps us start our economic engine to go a little faster, to be a little more productive, to run a little stronger.

This case was proven a couple times. There are many economists and many liberal thinkers who really believe that when you move authority out of Washington that it causes the country to undergo some kind of damage. But President Kennedy, a Democrat; President Reagan, a Republican, both proved to the American people that when you cut tax rates, you effectively increase tax revenues to the Federal Government.

Now what I mean by that is that when you tax people less, they go out and make better investments. They pour their income and their wealth into more productive activities. They buy new businesses, they buy that new piece of equipment that allows you to be more efficient, they put their child or their children into better schools, or maybe go invest in getting the better college degree, or getting the masters degree and so on. They put this wealth into more productive activities.

What President Kennedy and President Reagan proved is that this trend is something we should expect that is a real promise to the American people. Cutting spending, cutting taxation, making government more efficient results in more liberty, results in more wealth for the American family, more independence and more freedom.

Mr. HULSHOF. Mr. Speaker, I think this is a point worth visiting about.

You know, the economic pundits, some of the political pundits have really in the last weeks, you know, have had a heyday with poking holes in and pointing out some parts, perhaps, of the agreement that they do not choose to support. Some economists talk about or mention the fact that our economy, granted, has been very strong for a period of time but that it is living on borrowed time, that if you look back in history that surely there is, you know, perhaps a downturn ahead.

But I think the gentleman is dead on with this point, that looking back at history, whether it is a modest cut in the capital gains tax rate, and we do not know what that is going to be or how extensive that is going to be, but I know even through the campaign and even beyond since being sworn in as a Member of this body people back in the Ninth Congressional District of Missouri have talked about holding on to capital assets. I have got a good friend, a gentleman who is in his mid sixties who worked a lifetime, his career, for Wal-Mart and accumulated through that company stock that he now cannot dispose of because he cannot take the hit that the capital gains tax rate would put on him and his family because they are really at a time their kids are grown and they are out of a house. But they are really trying to make it through retirement and trying to plan efficiently, and he by no means considers himself to be a wealthy American, and yet when you listen to these, you know, the pundits; you know they talk about tax breaks for the wealthy and this demagoguery, and I think the gentleman has a good point, and I yield back to him.

Mr. BOB SCHAFFER of Colorado. Well, tax cuts for the wealthy is really a joke when you hear people say that here because what we are talking about here is your average American.

I got to tell you I come from eastern Colorado. It is a very agrarian district, just farming and ranching is the primary industry, and when I go on farms and meet farmers and ranchers in the small towns in the eastern plains of Colorado, what they tell me is about the impact of the capital gains tax.

Now these are farmers who worked the land every day, they work hard. They are not wealthy; these are not rich people. If you look at their portfolio, you might come to that conclusion, but all of their assets, all of their hard earned income, is invested back into the farm, back into equipment. You know, expensive equipment, poured into the costs of just maintaining land any more with high property taxes, Endangered Species Act that you have to comply with, endless rules and regulations that come out of Washington. By the time the day is over the farmer has very little to show for the hard work that they have poured into their labor, but the impact of the capital gains tax is one that is critically important if they want to sell a certain portion of their farm, if they want to sell equipment, if they want to sell a home, sell anything tall of value that they have accumulated.

First of all, they paid income on the income that they earned in the first place to put into those investments, and then when we cause that farmer to pay again on the capital gains and the value of those assets, we tax that farmer twice. It increases the failure rate of farms throughout the country, it increases the price of food and the price of production for consumers.

Mr. Speaker, a capital gains tax cut is not about helping the rich, it is about helping me, it is about helping you, it is about helping just about anybody we meet on any given day as a Congressman in our district relating to constituents.

And the inheritance tax, the same applies there as well. Again we have farmers with large acreages that when the farmer gets old and decides that he wants to get out of the business and leave the farm to his children, it is virtually impossible to keep that land in production any more. The cost of inheritance tax at over 50 percent of the value of a farm and the assets makes it almost just out of the question to have one of the children continue to keep that land in production.

So these taxes, by cutting those taxes, we really will see the economy perform in a way that I described before that allow us to achieve these goals and objectives of lowering the deficit and eventually getting to the point where we begin to put more and more emphasis on paying off the national debt which is another huge problem that does need to be dealt with.

But seeing a very liberal President like Bill Clinton and a conservative Congress like that we represent here come together to agree that the American people sent, for some reason sent a liberal President, a conservative Congress, they sent us all back here to Washington and stirred us up and said please get the job done, balance the budget. The fact that we have been able to come from those two positions to the center in such a commonsense approach that you see here represented today is a great day for America.

Mr. Speaker, I really believe that. We really are making life more promising for American children, for my kids, for your kids and for all those that we care about in our districts and throughout the country.

Mr. HULSHOF. I see, Mr. Speaker, our time is just about to elapse.

House Concurrent Resolution 84 will never become a household phrase, does not fall trippingly off the tongue, but that is the resolution that passed early this morning, about 3:30 this morning, by a 333 vote to 99 margin. This is a plan that will balance our Federal budget. It is going to restore economic freedom and opportunities for all Americans.

To sum up what we have talked about, Mr. Speaker, this agreement saves and protects Medicare for the next decade which insures that older Americans will continue to have access to quality health care. Family farms and family businesses will finally have relief from the very punitive Federal inheritance tax. The forthcoming budget also calls for a reduction on the tax and savings and investment, otherwise known as capital gains which will create additional economic growth as we have discussed. There will be education initiatives for families who are wanting to put kids through school, additional funds available for Pell grants

and moneys, much needed moneys, some $9 billion more for roads, for bridges and for infrastructure. Those are additional moneys, $8 billion over and above what the administration requested.

This is a win-win budget.

You know there was a lot of passionate debate, and I am honored the debate went well into the evening last night and early this morning. In fact this morning I have been answering some questions today because there were several substitute amendments and some have asked me why did you not support this version or that substitute amendment or that particular one; why did you support this one? And it was difficult for me to describe a day that happened a couple of weeks ago where we had had a very contentious day in this House, it had really been a tough day, debate had really become somewhat partisan, and I choose, Mr. Speaker, rather than going through the tunnel and walking through the maze back to my office over in Longworth, I decided on that day to walk out the front door out into the sunshine. It was a beautiful spring day; the clouds, not a cloud in the sky, a beautiful crisp day here in Washington, DC, and as I burst out the front doors of this House out into the sunshine, at the bottom of the steps of this Capitol there were about 35 or 40 high school students all dressed in their school colors, and their choir director facing them, and they were singing a four part harmony medley of patriotic songs.

And in that instance, in that instant moment, suddenly the divisive debate melted away, and I thought of that moment, Mr. Speaker, last night, as we left the Chamber about 3:30 in the morning, because what we accomplished here last night was for those students and students and men and women all across this country just like them.

This is truly a historic day for them and for all Americans.

THE DEMOCRATS' EDUCATION AGENDA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from New Jersey [Mr. PALLONE] is recognized for 60 minutes as the designee of the minority leader.

Mr. PALLONE. Mr. Speaker, tonight I want to talk about the Democrats' education agenda. As many Americans know by now late last night the House passed a budget agreement that would balance the Federal budget by the year 2002, and this agreement was very much a compromise between Democrats and Republicans. Like any compromise, it does not have everything that both sides wanted, and while I voted for the agreement and I am pleased that it addresses some of the country's most pressing education needs, I want to stress that I believe strongly that there is a lot more work that needs to be done.

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As I said, however, there are a number of positive developments in this budget agreement with respect to education. The President's America Reads Program was included; this $2.75 billion program aims to teach every child in the country to be able to read independently by the end of the third grade.

Other elements of the Democrats' education agenda that are a part of this budget agreement include an expansion of Head Start. One million children will be covered in Head Start by the year 2002.

The President's technology literacy challenge fund will also will be fully funded. It will play an invaluable part in preparing our children for the future by teaching them how to use computer and other technologies and giving them the resources on which to learn. Every classroom in America will be connected to the information superhighway, every teacher will receive the needed training, and all students and teachers will have access to the needed technology.

For higher education, which is obviously very important, the budget agreement includes $35 billion in targeted tax cuts. This $35 billion includes cuts consistent with the Democrats' family first agenda and the President's HOPE scholarship and tuition tax deduction proposals.

These tax cuts have been a major part of an education agenda the Democrats have been pursuing for some 2 years, and they are an important component of our larger plan to make everyday life more affordable for the average working American family.

The agreement, I should say, Mr. Speaker, also includes a $300 increase in the Pell grant award and that increase brings the maximum Pell grant award to $3,000.

Mr. Speaker, I want to stress again that the inclusion of these items in the balanced budget agreement is without question a vindication for Democrats. President Clinton and congressional Democrats place education at the very top of the country's priority list, and we have been successful in getting some, and again I will stress some, of our goals accomplished.

I have alluded a number of times to this notion that there is still work to be done with respect to education, and I can use the Pell Grant Program, I think, as an excellent example of that. While the $300 increase in the budget represents the largest such increase in over two decades, the fact of the matter is that a much larger increase is needed.

I know that there are many students in this country that depend upon the Pell grant, and the Pell grant is essentially the cornerstone of all of our student aid programs. It is a means through which millions of students who would otherwise have been unable to attend college have been able to attend college. But a lack of adequate increase in the program over the years has resulted in a substantial decrease in the real value of Pell grants.

It is very easy to understand. Basically what we are saying is that even though the amount available for the Pell grant has increased, inflation has been much higher than the amount of the increase that the Federal Government has been providing. So if you look to a January 1997 report from the Congressional Research Service, it says that although the maximum grant level increased by 34 percent from 1980 to 1997, after you adjust that for inflation, the real value actually decreased by 13 percent. Increases, again, in the Pell grant funds have not kept up with inflation.

This has obviously made it very difficult for students dependent on such grants to meet the cost of college. At a New Jersey State university, Rutgers, which is in my home district, 8,498 of the approximately 20,000 students receiving Federal aid received a Pell grant during the last academic year. However, these students as well as millions like them in schools across the country would obviously have had an easier time paying for college if we could simply keep the Pell grant funding levels even with inflation. We can see, of 20,000 students at Rutgers, this is really almost getting close to 50 percent that depend on the Pell grant and have found that they cannot keep up with inflation with the grant that they are getting.

Now, another issue that I am concerned about is the potential inability of tax benefits to help those on the lowest end of the income scale. In other words, I, for one, am very much in favor of the education tax cuts that have been promised as part of this budget resolution, but the problem always is that tax cuts or even tax credits are not that helpful if one is not paying taxes. So again, as valuable as they are, they are not addressing those on the lowest end of the income scale.

What we are saying then is we need to look beyond, if you will, and target more, if we can, to lower-income people who no longer have any tax liability to pay for college.

Still another important element of our education agenda that was not included in the budget agreement was school construction. Those of us of the American public who listened to the debate during the budget resolution last night noted that many of the speakers lamented the fact that the school construction component of the President's budget proposal was not included in this agreement.

According to the General Accounting Office, one-third of our Nation's school are in need of major repair or complete replacement. While I am glad that the budget agreement includes money to hook every classroom up to the information superhighway, as I mentioned, I think we should not have put the horse before the cart. Before we begin equipping our schools with technology for the 21st century, we should make sure the physical structures of the schools themselves are in proper condition; otherwise, it is very difficult for children to learn.

During consideration of the budget yesterday, I did support the substitute proposal of the gentleman from Massachusetts [Mr. KENNEDY] that would have included $5 billion for school construction. The proposal would also have set the maximum Pell grant award at $3,700, $700 higher than in the agreement that eventually passed. Not only would it have balanced the budget, but it would have produced a $2.5 billion surplus in that year as well.

Now, I mention this again because I think it is an important point that the Kennedy budget substitute illustrates that we can increase funding for education even beyond what has been proposed and still balance the budget. In other words, it shows that in providing ample funding for education, what we are really doing is deciding where our priorities are going to be. One can devote more money in this budget to education if one makes changes and cuts somewhere else.

That is why I am here today, to urge all of my Democratic colleagues to join me in building on the momentum for education that we have established in the budget resolution.

Now, I should point out, I am not a member, but there is a Democratic education task force that has been working now for some time, trying to put together, looking at the President's proposals, looking at the budget agreement, and basically trying to put together a Democratic proposal or series of proposals, if you will, to address education needs.

Mr. Speaker, one of the cochairmen is here tonight, and I would like to have the gentleman from North Carolina [Mr. ETHERIDGE] join me, if I could yield to him at this time, and maybe he could give us some information about what they have been doing and comment further on some of these issues. I am pleased to see my colleague here tonight.

Mr. ETHERIDGE. Mr. Speaker, I want to thank my friend from New Jersey, Mr. PALLONE, for organizing this special order on education this evening. Yes, we have been doing a lot of things.

This Congress has been doing a lot. Let me touch on a couple of things. A lot of the dialogue over the last week has been about the balanced budget, as it should be, and I supported it, as did most of the Members of this House, but we cannot lose sight of the important responsibility we have in this body this year to expand the educational opportunities for middle-class families in this country, but also for those families who have their hopes and dreams set on becoming part of the middle class.

As the gentleman knows and Members of this body know and many people across this country, given the challenges of the 21st century, education is the one thing that is going to open that door of opportunity for so many people, and it has really been true through the ages, but now it is more important.

As our task force has worked, and I want to commend the Members of the task force that was set up by the leadership, we have had excellent attendance. Of all of the task forces I have served on, I think more people have been in attendance and have had more input, and it seems that at every meeting we get more new ideas and hopefully we will be able to roll those out pretty soon.

As I said to the gentleman on this House floor back on February 25, when it comes to education, as we talk about it, there seems to be many times a whole lot more talk than there is action. That is true of a lot of bodies. But I believe this year, with the focus that our party has had historically on education, with the focus that the President has placed on it, and with the framework that is now being put together and was provided for in the balanced budget agreement that passed last evening, not everything we would like to have had, of course, as the gentleman indicated, but that does not and should not stop us from looking at those broader needs outside the budget agreement; because if the economy continues to grow, as we think it will, and the conservative numbers are as they are, and the economy grows, there will be resources to do some things.

As I look across this country, and our task force heard from a number of folks, and in the original proposals there was about $5 billion to use as leverage money to help some of the most hard-pressed cities and counties across this country meet some of their facility needs, and I have often said when I was State superintendent in North Carolina, and I have a number of cartoons to prove it, that it is important for children to go to school.

As important as it is to have prisons, to lock up the people who are violent criminals and have broken the law, it is unacceptable in a society that has the resources that we have in America that we have prisons that are nicer than some of the schools we send our children to. Unfortunately, that is true today. It should not be. A child should not ride by a new $20 million prison to go to a rundown school where the water fountains do not work the way they should, the bathrooms will not flush, the rooms are not air-conditioned; and when we talk of technology, as important as it is in every classroom, the Internet, that unfortunately, for many of the teachers in that school, there are not even telephones available for them to use to call parents when they have a need.

So these are some of the infrastructure needs that we have to address. There are those who would say that that is the responsibility of the local units of government, and I would agree, but so are a lot of other things in this country. We did not ask those questions and do not necessarily ask them when it comes time to make grants on law and order, which I have strongly supported in this House and at the State level. It has been my experience that children do not normally ask who provides the resources for their education. Usually, their parents do not ask. They just want to make sure they are there.

I have often said that children do not know what they need, they only know what they get. It is our responsibility to make sure what they get as students is the very best we can provide. Not that money is the only answer, but the gentleman may have heard me say this, not on this floor, but I have said it at civic clubs and I have said this to my friends at civic clubs; if buildings are not important, when our industrial hunters in our Chamber of Commerce invite the new industrialists to town, take them down and show them the rundown warehouses and say, this is where we want you to open your new business. Because the facility really does not make any difference, it is the quality that you have inside.

Mr. Speaker, we say that to our schools many times, and the quality inside is very important. I would not want anyone to mistake that. It is important. But the quality of what we have on the outside says what we value, and I think that is important as we look at facilities.

I trust that as this process moves along, we will have time to draw attention to that. I think it is important, because if we are going to have excellence, as we must have for our children to compete, and provide for them that opportunity, that gives them a chance to not only get a high school diploma that is so important, but to get a diploma that really does mean something.

I happen to believe that our schools are doing a far better job today than they are getting credit for, because we have some of the best people in the classrooms teaching today than we have ever had.

□ 1915

Our students are coming out better prepared. That having been said, we

have not reached the level that we need to reach in this country. I think anyone would say that.

But I think we do have to acknowledge the successes that we have had, because unless we are willing to acknowledge the successes, then it is very easy for people to get discouraged, and once discouraged, it is hard to get it going again.

Mr. Speaker, if we look at the National Assessment of Education Progress, which is one of the measures that roughly 42 States in this country ascribe to for fourth and eighth graders in math, and in reading, that report just came out in the last 2 months showing substantial growth across the country. Some States showed far more growth than others.

I was very pleased that my home State over the last 4 years showed the largest growth of any State in the Nation, a real tribute to the teachers and to the students, but that did not happen in 2 years or 3 years. It has been about a 10-year process.

I only mention that because I think it is important, as we think of education. It is a process and it is a journey, it is not a destination, as the gentleman spoke earlier about the opportunity for providing that door of opportunity for our middle-income young people and parents to make sure their children have a chance to go to college.

We are now recognizing that it is no longer acceptable for 20, 25 percent to go on to the university. Everyone needs to get an education beyond high school. The reason for that is because of where the jobs are going to be in the 21st century.

On our task force, as we began to look at it, and we listened to some of the speakers who came and talked with us about where the jobs are going to be, in the high-technology industry, and the responsibility, they triggered on several areas in the country. I will only use my home State as one of those, only for an example this evening.

As we think of North Carolina, having been a rural State over the years, and the Research Triangle being there and the growth that has taken place, high-technology is now the second largest industry in the State of North Carolina, larger than furniture, larger than agriculture in terms of the number of people directly employed. If you take agriculture and take the secondary benefit, then it would be different. But over 100,000 people in our State are now employed in high-technology.

In 1995, the average salary, the average salary of a person employed in high-tech is $42,166. These are some of the best jobs around, when we look at the average across the country. That is roughly about $24,000. So the gentleman can see that is important, but those jobs are going to people who have education beyond high school. Of the jobs that will be created over the next 5 to 6 years, it will require at least 2 years beyond high school.

When we talk about investing in children and getting them ready to learn, according to a Rutgers University study, every dollar that we invest in early childhood education, this is before that student gets to elementary school, he is not thinking about high school, before they get there, for every dollar we invest in early childhood education we save the taxpayers of this country, State, local, and Federal, $7. That is a pretty significant return. Those are not my figures, those are independent figures that were done.

If that is true, and we think in terms of the standards of excellence in math and reading that are part of that core responsibility we put on education, then if we will deal with that crumbling infrastructure, we provide teachers with the resources they need, not only just in technology but in the support they need on a daily basis, and we get children to school ready to learn.

It is easy to talk about it, but we are unwilling to put the dollars. Yes, it does cost money. It is an investment. If we are going to save the dollars on the back side, for a period of time jointly, Federal, State, and local, we have to do both. We have to get children ready for school and ready to learn, and we have to get them to education beyond high school, because depending on where you are in the United States, depending on the level of incarceration, the expenditure for incarceration for those people that do not make it, and roughly, depending on where you are, anywhere from 75 to 80 percent of the people who are incarcerated in this country were high school dropouts, it tells us there is a relationship between success in the schools and the problems people encounter later.

I have often said as I traveled at the State level, if you really want to see the stark reality, go into the courtrooms. Go into the criminal justice side. You will really see the reality of the people who did not make it at the public school level, for a variety of reasons.

If you go over on the civil side you may see other people suing one another. They tend to have much better educations. But on the criminal side, you really see the stark reality of the problems we face, and we have to work together. It is not an issue that we can transfer to someone else, and we cannot say, This is the Federal part, this is the State part. We all have to realize our resources are limited.

For those areas that are so difficult, as the gentleman touched on earlier, as it relates to infrastructure, facilities, there would be those that would say to us, and I have heard it said, the buildings are not the difference.

I disagree with them. If they really believe that, if they truly believe that, then I cite them the example of a business. But more importantly, I would ask them if facilities are not important, then why do businesses continue to build new facilities? Why do we want to move into nicer and nicer homes? Because it says a lot about us, it says a lot about what we value.

If you move children into a nice new building, and I have seen it happen time and time again, as I have spoken on a number of occasions, you go in that building several years later and it is still in good shape. It is amazing what happens to the attendance rate. It goes up, in many instances. People feel better about themselves. Dropout rates tend to go down. Academics improve, as long as you have a good instructional program. All of these things do work together.

Some have said that it costs us in this country roughly seven times as much, and that will vary some from State to State, but almost seven times as much to keep a person incarcerated as we spend on education in Federal, State and local funds.

That is not to say that we should not have some people incarcerated. There are some who need to be there and they need to stay there. But my point in making that is that when we think in terms of education and our responsibility, we need to look at education as an investment. It is not an expenditure, it is an investment. As a businessman for 20 years I understand what it means to invest and get a good return. If we will invest in education and in those opportunities for young people, they come back many times over.

As we talk about this leveraging, the gentleman mentioned it earlier, and I do trust that before this Congress goes home we will find a way to work together to come up with a one-time $5 billion infrastructure piece, because that will leverage roughly $20 billion in investment across the country in some much-needed infrastructure.

But if the gentleman is looking at it beyond education, as just a purely business investment, it employs people. It will return dividends down the road in terms of dollars paid, and pay itself back many times.

The gentleman touched on the technology piece, because it is important. Let me share with the gentleman very briefly, and then I will see, the gentleman may want to ask a question.

I was in a school 2 weeks ago tomorrow back in my home district where we were hooked up on the Internet. One of the schools was in England. The other school was in Belgium. The other school was in Massachusetts. I was with a fourth grade class right outside Raleigh, NC.

Those students, each class had done a project from each school. They shared the project, how they developed it, why they developed it. One was on the lighthouses on the coast that were in

danger of falling in the ocean, and one was in England who had a project on the Common Market, and each one had explained to the other three schools their project. Then they were able to ask questions.

I only share this when the gentleman touches the technology piece, because this is an example of what we will see, I think, in the very near future, because this is a joint partnership, as the gentleman remembers. Many of us in this body signed a letter and sent it to the Federal Communications Commission. They in turn issued an order for lower rates, roughly as much as 90 percent, for Internet access to schools and libraries all across the country, not unlike what happened in the 1930's in this country when the Commission issued an order that we would have universal access to telephones, or the rates would be varied so we could have it.

I think the next few years are going to be very exciting in schools, but it is going to take a partnership and cooperation; as someone said one time, a lot less heat with a lot more light on the part of those of us who are setting policy, to make sure that children in this country get the opportunity to compete in an economy that is daily becoming more and more globalized in terms of our resources.

With that, let me ask the gentleman a question, because he has followed this very closely, as we talk about education being a journey and really not a destination. If I may refer back to the gentleman, my good friend, on this whole issue of the HOPE scholarship and the opportunity for providing resources for the middle class, there is a dialogue on that about whether or not it would be refundable, so you would reach down for the Pell grants and others.

I hope the gentleman would touch on that briefly, and maybe we could have a little dialog on it.

Mr. PALLONE. Mr. Speaker, I appreciate what the gentleman has stated. Obviously, he has a lot of expertise on a number of these education issues. That is why it is good to have him here talking about these issues on the floor, as the co-chair of the Democratic Task Force.

My understanding is that the HOPE scholarship is an up to $1,500 amount per student for tuition and fees. It can be claimed in 2 tax years for any student who has not finished the 13th and 14th years of education, and it is expected to help about 4.2 million students. It is a nonrefundable tax credit, and of course in order to receive it a second time, the student has to have at least a B-minus grade-point average. This is what the President has proposed.

The problem is that, as with any tax cut or any tax deduction, if you are not paying taxes at a certain level you are not really going to be able to take advantage of it. The theory, I understand, and one of the things that a number of the Democrats have talked about, is to simply make that available as essentially a grant, to the extent that you cannot take advantage of it as a tax credit.

Again, I think, and I do not want to take away from what we have done in the budget agreement and what the President proposed, because I do think that middle-class people, and I define middle class very broadly, are having a much more difficult time these days paying for higher education. It is primarily because of what we said before, which is that these various scholarships, tax credits, work study, whatever it is, direct student loans, have not kept up with inflation over the last 20 years.

But the problem is that if everything we do or if most of what we do is strictly oriented toward people or parents that are paying taxes, then you are not going to really help the lower-income students that much. Although there is an increase in the Pell grant, a very significant one in this budget agreement, that in itself will not make up for the difference.

So the idea is to perhaps provide this, this $1,500, as an additional source of funding, even if you are not eligible for the tax credit. I think that makes sense.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman will continue to yield, one of the areas we have talked about, and I hope we can roll it out in the not-too-distant future, is for that to be refundable. That way it would serve the same purpose as if it were part of the Pell grant funds for those in need.

Mr. PALLONE. I think that makes a lot of sense.

Mr. ETHERIDGE. That is a very debatable item right now. I think most of the people on the committee feel very strongly that is the way it should be.

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Mr. PALLONE. Maybe one of the things that we should mention, I know myself and a number of people mentioned it during the budget debate yesterday and leading up to the budget debate, I think it needs to be stressed even more. I am assuming that tomorrow the budget, some sort of budget conference between the House and the Senate will be adopted. I guess that is still questionable depending on what the other body does. But if it does happen, we will be going back to our districts during the Memorial Day break. And as much as this is a historic agreement because it does lead to a balanced budget, this is just a preliminary work.

As we know, a budget resolution in the House, I often compare it to the budget in your house. It is not like a municipal budget or a State budget. It is more like the budget in your house. It is not binding on anyone. It is just a plan of action. Of course the spending bills or the appropriation bills and the reconciliation and the tax cuts, all that has to follow. We have to make sure that we keep not only our colleagues but I think primarily the Republican leadership in line over the next few months to make sure that we make good and that they make good on these commitments to make sure that these education tax credits are there, that this Pell grant money is there and that these various education programs that we talked about tonight are included in the final package.

In addition to that, Mr. Speaker, because it is essentially recommendatory, there is no reason why we could not have a refundable tax credit or we could not include the $5 billion for the school construction program. I have been here long enough to see those things change dramatically from when the budget resolution is passed to when we do the budget reconciliation.

I think we need to stress that over the next few months, many of the things that maybe we were not discussed or not specifically laid out in this budget resolution can still be implemented. I would like to see the school construction component included, and I would like to see the refundable tax credit, the way the gentleman outlined.

Mr. ETHERIDGE. Mr. Speaker, if the gentleman will continue to yield, one of the pieces that, having served as the State level before, I came here and been superintendent when we talked about budgets there, I think this is something the public does have a difficult time understanding; when you talked about a budget, you had already appropriated your funding. You had set the spending levels. And when you passed the budget, that was it. And in effect, here when you do a budget resolution, that is not the end of the process. It is just the beginning of the process, which is the very reverse, because at the State levels and local levels when you do a budget, you work at your priorities. You determine what your revenue is and then you fit what you can spend within those parameters.

Here once we pass the budget resolution, as we have just previously stated, that begins the process through real hard decisions when we put the appropriations bill out or those number of bills we run in each category. You must fit them, the parameters of the overall budget, and then reconciliation comes when all of them fit within the numbers.

Mr. Speaker, my colleague is absolutely correct, that is where the heavy lifting is going to come over the next few months. I think that gives us the opportunity to really set the agenda. One of the points just made that is so important as we go home for the Memorial Day weekend, I plan to spend

some of my time, as I know many of our colleagues do on the Democratic side, and I trust the other side as well, going into our schools because I do on a regular basis and actually teach a class. You do not have to be a teacher to do it. And this may be the last month we get a chance unless you have a year-round school because they will be taking the break for the summer.

It is amazing what you learn. You find out how bright some of the young people are, some of the conditions of some of our buildings and the needs they have. But at the same time you find out from young people how hungry they are to learn from officials, to know something about their government and how it really works. I know you do that from time to time. I trust that we can encourage more of our colleagues to do the same thing. Go in and really give a teacher a break over the next few weeks.

Mr. PALLONE. Mr. Speaker, when my colleague was talking about new schools and how much a difference they make, renovations to schools, that is so true. Just to focus a minute on the school construction and modernization proposal, because it is not in the budget agreement now, and I think it should be included as we work down the road, first of all, I think that it should be known, and you already stated, that the issue of school construction modernization is not just for core city areas or rural areas. It runs the whole gamut. My district is primarily suburban. I do not think we have any real rural areas. We have some areas that would qualify as urban areas, but the bottom line is whether you go to the most suburban school and the wealthiest school or the poorest in my district, every day or in most cases they have school construction and renovation needs.

It was very interesting because one of the urban areas that I represent is Asbury Park. I had the opportunity a couple of weeks ago to go to a brand-new school which they had a hard time building because of limited resources. Their tax base is very difficult to generate moneys for new construction or renovation with their tax base. It was amazing. The school was maybe a year old, maybe not even, and it was just amazing to see the difference on the kids' faces and the attitude being in a new school.

I actually was there because we had gotten some books from the Library of Congress for their library. It was just wonderful to be in the new library and to see how much they had progressed. I think that that is, if you listen to a lot of our colleagues, I think many of us were surprised today to see that this school construction initiative was not in the budget because it really is something that cuts into every district and has an impact.

All we are really doing is leveraging money. We are not really providing money for construction, we are making it easier for towns based on the interest rates or bond issues that they would have to provide. But that can make a difference because a lot of these towns simply do not have the tax base or the authorization to provide the funding or the bonding to do the new construction. So it would make a difference.

Mr. Speaker, the other thing I wanted to say, too, because I think it is so important, is that, I know we have seen it with the education task force. I think right now many people are having a hard time getting their kids through college that we forget how far the President really has brought us forward over the last 4 or 5 years.

Really until President Clinton made it a priority at the Federal level, education really was not, and we still really are not there, but it really was not seen as a Federal priority. I have to say that he, more than anyone else, has stressed that the Federal Government needs to get involved.

Just in the first administration, the first 4 years, we had the change of the student loan program to a direct loan program. That has made a big difference at Rutgers University. I know you cited your study of Rutgers. At Rutgers they have been really able to expand the national student loan program because they give the loans out directly and bypass the bank.

The other thing is the, I call it AmeriCorps, or the volunteer program where students, their opportunities for loans have been expanded now because they work their way, work to pay the loan back or do voluntary work in the community.

I have to say that that AmeriCorps program has been very helpful in my district and provides another way for students to get some money to pay for college. There has been a lot that has already happened in addition to what the President is putting forward and even in addition to the things that the task force says, and I agree we need to go beyond.

Mr. ETHERIDGE. Mr. Speaker, as you mentioned, having been at the State level and, of course, I had the privilege of serving as superintendent of schools for the State really at the time that the current President was Governor, so we got to work with him some there, but his commitment to public education is really deep seated. And I think he has a deep understanding for it.

He brought with him to Washington that deep commitment, I think, that is very healthy, and I am very pleased to see the highest office in the land talk about the commitment to education. And just by talking about it, it has raised the level of commitment. And talking about raising the standards for all of our students and for all of our schools I think is a laudable commitment. It is already starting to happen.

It is amazing what happens when you talk to other teachers and school officers, as I have had a chance to do and I had the chance to meet with someone today. As we look at this whole issue of education and we see that more young people are in public school in the United States this year than we have ever had in history, and that number continues to grow, you get a sense as to why the facilities are so cramped.

The problems continue to grow in terms of need not only for facility but for having quality teachers to go in those classrooms, for having leadership at every level to meet the needs and just having the resources to do it.

I could not help, when you were talking about the school in your district, in and around the Research Triangle we have schools just literally exploding. Last fall we had so many trailers in the State I had to travel the State, talk about it a lot, as many would do and as I should have done in my role. We passed a $1.8 billion bond issue last November in North Carolina, the largest bond issue in the history of our State by over 60 percent, the largest margin we had ever passed any bond issue.

But as large as that bond issue is, the need was identified as over $5 billion just in our State. If you take that number and put it across the country in 51 States, certainly you would not multiply it by 50 because there are fewer States because we only have about 10 percent of the students in North Carolina, but it is a substantial number in terms of need. Some States may be even greater. So facility does have an impact.

As we see the growth coming in student enrollment, and that is projected to continue, certainly in our State and in most States that are growing all across the country, over the next 8 to 10 years, that will have a significant impact on the resources, I think, of this Congress or should at the State levels and at the local level, how we set our priorities.

If we really and truly follow what the President has said, and I think he is right, that if we are going to compete in the 21st century, it will be with a much better educated work force, who are more productive, who are highly motivated to meet those challenges. And as we train young people, we have to make our schools fit that mold. And to fit that mold, we have to have the facilities, the tools to get the job done and the people to help train them.

Certainly as we work together in the task force with what the President has laid out, and he has provided, I think, the kind of leadership over the last several years to get us where we are, now we have a long way to go to finish the job, because it is one of those jobs that you do not really finish. You just improve on it and hopefully you leave it a little bit better when someone else comes to occupy your seat, whatever

that seat may be. I think that is the challenge that we face.

Mr. PALLONE. I appreciate what the gentleman said. And the other thing I was thinking, too, with the President, President Clinton, is that I think he has not only focused attention on the need for us to prioritize education at the Federal level, including higher education, but also the whole philosophy of a lot of these changes and new initiatives is very good.

In other words, the philosophy that you should be working, in other words, with the Americorps, that you actually put in time, you work to pay back your loan, the idea with the HOPE scholarships, that you have to maintain a certain grade point average and you cannot be on drugs, he is linking—I was worried, if I could sort of digress, I remember a few years ago when the President was first elected, and I was having some town meetings. I was talking about the need to expand some of these higher education programs.

And most people, I think particularly because Rutgers is in my district and so there is a lot of people associated with Rutgers who were very receptive to the idea. But I had a few people in the audience who sort of harked back to what I call an earlier day, an earlier America, because I do not think what they are saying is realistic anymore.

We are saying, the students should simply work, if they have to work 5 or 10 or 20 years in order to save, and then they can pay to go to college or to graduate school, we should not have loan programs or work study or other programs available to them. And the idea of some of these people, that we are saying, that this is, somehow a handout, that these programs that we have on the higher education level are a handout, I think that to the extent that the President has stressed the work aspect, the maintenance of a certain grade point average, being drug free, they have taken away from the notion that somehow these Federal programs are handouts.

I do not think they are. I think we would be in very bad shape, certainly on a competitive basis with other countries, if we told everybody they had to work in a low paying job until they were 40 and then go to college because then their productive years would be behind them in many ways.

□ 1945

But it is important to stress the philosophy, I think, that many of these things do involve work. Work study. AmeriCorps. All these things. And to put sort of an incentive on it that the President has done. I know many of the things we have talked about in Congress have been the same way.

I yield to the gentleman.

Mr. ETHERIDGE. If the gentleman thinks about this, the President talked about it like the GI bill. We figured that the young men and women who fought previously in World War II and the Korean war and even in Vietnam had earned a certain stipend and we allowed them to use that to get an education.

It turned out a generation, a couple of generations of some of the best educated people that America had ever seen, and it fueled our economy with tremendous growth. And he talked about the AmeriCorps as one of those things.

In North Carolina, I hate to keep using that, but I think it is important when the gentleman mentioned this issue of working in return, giving something back, in 1985 we passed legislation to provide for 400 scholarships per year for high school students who would commit to going to college and coming out and teaching in an area that we had great need in in the public schools, be it science, mathematics, whatever the area may be.

They were chosen based on their academic standing, and then we broke it up obviously by congressional districts so we could have balance in the State. And in all fairness to the taxpayers, we wanted to make sure we had balance in the ethnic background, so we tried to make that fit.

But the point was each one of those students received a $5,000 unrestricted scholarship. They had to teach for 4 years in the State of North Carolina after they received the scholarship. The requirement was, obviously, they had to have a high academic standing even to get in because it was very competitive. And we do that with several other scholarships we do in the State.

But to retain that scholarship, they had to have a 2.2 out of a 4.0 their first semester, and to retain it after their sophomore year they had to retain a 2.5 out of a 4.0. And it was amazing what happened, as now we are obviously 12 years or 11 years down the road, with about 7 years of those young people having gone into public schools. They have absolutely started changing the chemistry of our teaching profession, because after the fourth year we start getting 400 students a year in the system.

The challenge I think we face as we get more energized and focused is keeping the young people in the profession. How do we pay them? How do we keep them and make sure we keep the brightest and best teaching the next generation? Because that is the commitment of America. That is the responsibility. If we are going to have a well-educated citizenry in the 21st century, we do it by having some of the best people in the classroom.

That was our challenge and our goal. The challenge we are facing in North Carolina, I think, is the same challenge we face all across America. When I talk with others, after that fourth and fifth year, how do we make it attractive enough, not necessarily with pay, though that is part of it, obviously, people have to be paid, but it gets back to the gentleman's first point, the reason I am bringing this up, the facility in which they work, the surroundings we ask them to work in, where young people go to learn.

As I tell my 17-year-old son, that is his work, that is his job every day when he goes to school. And that is true of all our children. We certainly do not want it to be drudgery, but it does need to be a good environment. A good place to learn, a good environment. And if it is a good environment to learn it will be a good place for our professionals to teach.

One of the things we have not talked about that I think is so important in all of this is how we get those volunteers. The very thing the President and all the former Presidents have come together with General Powell to talk about all across this country is this whole issue of voluntarism. We need them in the public schools and in our public sector so that we can encourage parents once again not only to read to their children before they get to school but be a part of that process once they get there.

I as a parent found that as one of the real challenges I face, having time, as busy as we are, and all of us in public life encouraging others, but we need to take our own advice and spend the time with our children's teachers and with our children.

With that, when we talk about the estimate of the cost, I would refer back to the gentleman as he started talking about this whole infrastructure. One of the things I have used many times, one of the few places that we continue to use temporary buildings and turn them into public buildings are in our public schools, that public sector. Very few other places do we do that.

It gets back to the point that the gentleman made so eloquently early on. It has to be a higher priority, recognizing that we do not have the first responsibility for it, but we do have a responsibility to say it is a high priority for our children. And they all are our children, whether they are directly linked to us or not. We have a responsibility to invest.

Mr. PALLONE. I agree. I think we are almost out of time, but I just wanted to say that, obviously, this is the beginning. The budget passed at least in the House and presumably in both Houses by tomorrow, but this is really the beginning of our effort. And I stress again the Democrats because we have been really talking about this as part of our family first agenda for at least a year now.

I know the gentleman does, and I certainly do and everybody within the task force wants to make sure that these Democratic priorities in terms of making sure that these tax credits and

deductions go to help working families pay for education programs, and that we do have the priorities as far as education programs, including things like the school construction fund, are ultimately included.

So I want to commend the gentleman again for his efforts with the task force, and unless the gentleman wants to add anything, we will yield back.

Mr. ETHERIDGE. I want to close by thanking the gentleman for setting up this special order and hope I get a chance on several more occasions to thank the members of the task force and the Democratic Members of this Congress who have really given the support and the leadership.

As the gentleman has indicated, we have just started this process. It will be long. There will be some times when we will be discouraged, but we should never, ever give up because it is too important and the investment will pay far greater dividends than anything we can invest on Wall Street.

Mr. PALLONE. Exactly. I see that my colleague here, my neighbor from New Jersey is now in the Speaker's chair, so I will gladly yield back the balance of my time, Mr. Speaker.

Mr. KENNEDY of Massachusetts. Mr. Speaker, I rise today to join my colleagues in expressing grave concerns about the state of Federal support for education.

Just today, in the early hours of the morning the House of Representatives failed to pass the budget resolution that I offered that would have provided an additional $25 billion for education in the United States. My plan, which would balance the budget by 2002, also provided $5 billion for school construction, $11 billion to expand the Pell Grant Program, and another $9 billion for other educational programs such as title I and IDEA.

Instead, the House passed a budget resolution, over my objections, that provides tax cuts for the people who need them the least. Instead of letting the rich of this country get huge tax breaks, we should be helping local communities repair schools, build new ones, bring up the standards of our children's education, and help train the future workers of this Nation.

I am concerned that the plan passed in the budget resolution will cause great problems in the future, not next year or in the year 2002, but further out. The revenue losses expand greatly when these tax cuts are scored in the outlying years. With these losses in revenues, I believe that the programs which benefit the poor, the elderly, and the young will suffer far more than the programs that provide subsidies to the liquor industry, the mining industry, or the timber industry.

Mr. Speaker, the Federal Government has a very good track record when it comes to education. The GI bill provided tens of thousands of veterans with the opportunity to attend college which is, I believe, in part responsible for the great economic boom of the 1950's. The Federal Government has also helped ensure the educational opportunities of the disabled and provided worker retraining for displaced workers. All with great success.

Unfortunately, my colleagues on the other side of the aisle don't see it that way. Many of them believe the Federal Government should have no role in educating our citizens. I believe they are wrong.

The Democratic Party and the President have made it clear that we know the top priority of our people—ensuring that our children have access to the best quality education in the world.

I want to thank my colleague from North Carolina, Congressman BOB ETHERIDGE, for his work on the Task Force and my colleague from New Jersey, Congressman FRANK PALLONE, for organizing this special order.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on subject of this special order.

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

There was no objection.

COMMUNICATION FROM JOAN CARLSON, EASTERN FIELD DIRECTOR FOR THE HONORABLE EARL POMEROY, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Joan Carlson, Eastern Field Director for the Honorable EARL POMEROY Member of Congress:

EARL POMEROY,
CONGRESS OF THE UNITED STATES,
North Dakota, May 20, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the District Court of Cass County, North Dakota.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

JOAN CARLSON,
Eastern Field Director.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. SNOWBARGER (at the request of Mr. ARMEY), for today after 1 p.m. and the balance of the week, on account of a death in the family.

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. CAPPS) to revise and extend their remarks and include extraneous material:)

Mr. FALEOMAVAEGA, for 5 minutes, today.

Ms. FURSE, for 5 minutes, today.

Mrs. TAUSCHER, for 5 minutes, today.

Mr. LAFALCE, for 5 minutes, today.

Mrs. MINK of Hawaii, for 5 minutes, today.

Mr. FILNER, for 5 minutes, today.

Mr. MATSUI, for 5 minutes, today.

Mr. UNDERWOOD, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Member (at his request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania, for 5 minutes, today.

(The following Members (at the request of Mr. HULSHOF) to revise and extend their remarks and include extraneous material:)

Mr. CAMP, for 5 minutes, today.

Mr. GUTKNECHT, for 5 minutes, on May 22.

Ms. GRANGER, for 5 minutes, today.

Mr. FOLEY, for 5 minutes, today.

Mr. JONES, for 5 minutes, on May 22.

Mr. FOX of Pennsylvania, for 5 minutes, on May 22.

Mr. NEUMANN, 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. CAPPS) and to include extraneous matter:)

Mr. STARK.

Ms. NORTON.

Mr. HAMILTON.

Mr. BLUMENAUER.

Mr. DOYLE.

Mr. TORRES.

Mr. FRANK of Massachusetts.

Mr. POSHARD.

Ms. BROWN of Florida.

Mr. CONDIT.

Mr. STOKES.

Mr. FILNER.

Mr. LAFALCE.

Mr. ANDREWS.

Mr. POMEROY.

Mr. ACKERMAN.

Mr. HINCHEY.

Mr. PAYNE.

Mr. MENENDEZ.

Mr. SANDERS.

(The following Members (at the request of Mr. HULSHOF) and to include extraneous matter:)

Mr. HOUGHTON.

Mr. SOLOMON.

Mr. TALENT.

Mr. GEKAS.

Mr. THUNE.

Mr. CAMP.

Mr. SMITH of New Jersey.

Mrs. FOWLER.

Mr. FRELINGHUYSEN.

Mr. OXLEY.

(The following Members (at the request of Mr. PALLONE to revise and extend their remarks and include extraneous material:)

Mr. DUNCAN in two instances.
Mr. BARCIA.
Mr. EHRLICH.
Mr. MENENDEZ.
Mr. SANDERS.
Mr. PAYNE.
Mr. SOLOMON.
Ms. ESHOO.
Mr. GILMAN.
Mr. SMITH of New Jersey.
Mr. FARR of California.
Mrs. LOWEY.
Mr. SERRANO.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 342. An act to extend certain privileges, exemptions, and immunities to Hong Kong Economic and Trade Offices; to the Committee on International Relations.

S. Con. Res. 6. Concurrent resolution expressing concern for the continued deterioration of human rights in Afghanistan and emphasizing the need for a peaceful political settlement in that country; to the Committee on International Relations.

S. Con. Res. 21. 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; to the Committee on International Relations.

ADJOURNMENT

Mr. PALLONE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 55 minutes p.m.), the House adjourned until tomorrow, Thursday, May 22, 1997, at 10 a.m.

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. YOUNG of Alaska: Committee on Resources. H.R. 1420. A bill to amend the National Wildlife Refuge System Administration Act of 1966 to improve the management of the National Wildlife Refuge System, and for other purposes (Rept. 105–106). Referred to the Committee of the Whole House on the State of the Union.

Mr. GOSS: Committee on Rules. House Resolution 155. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105–107). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. STUMP (for himself, Mr. EVANS, Mr. STEARNS, and Mr. GUTIERREZ):

H.R. 1687. A bill to amend title 38, United States Code, to provide that special pay paid to certain physicians and dentists of the Veterans Health Administration who retire before October 1, 1999, shall be considered to be basic pay for retirement purposes; to the Committee on Veterans' Affairs.

By Mr. THUNE (for himself, Mr. MINGE, and Mr. LATHAM):

H.R. 1688. A bill to authorize the construction of the Lewis and Clark Rural Water System and to authorize assistance to the Lewis and Clark Rural Water System, Inc., a nonprofit corporation, for the planning and construction of the water supply system, and for other purposes; to the Committee on Resources.

By Mr. WHITE (for himself, Ms. ESHOO, Mr. BARTON of Texas, Mr. BROWN of Ohio, Mr. BILBRAY, Mr. DOOLEY of California, Mr. CAMPBELL, Mr. FAZIO of California, Mr. COBURN, Mr. FARR of California, Mr. COX of California, Mr. FRANK of Massachusetts, Ms. DUNN of Washington, Ms. HARMAN, Mr. KLUG, Mr. KENNEDY of Massachusetts, Mr. NETHERCUTT, Ms. LOFGREN, Mr. PAXON, Mr. ROEMER, Ms. PRYCE of Ohio, Mrs. TAUSCHER, Mr. TAUZIN, Mr. TOWNS, and Mr. DEUTSCH):

H.R. 1689. A bill to amend the Securities Act of 1933 and the Securities Exchange Act of 1934 to limit the conduct of securities class actions under State law, and for other purposes; to the Committee on Commerce.

By Mr. ANDREWS:

H.R. 1690. A bill to amend title 28 of the United States Code regarding enforcement of child custody orders; to the Committee on the Judiciary.

Br Mrs. CHENOWETH (for herself and Mr. CRAPO):

H.R. 1691. A bill to provide for the stabilization, enhancement, restoration, and management of the Coeur d'Alene River basin watershed; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN (for himself, Mr. CARDIN, and Mr. SAM JOHNSON):

H.R. 1692. A bill to require the Secretary of Health and Human Services to waive the 3-day prior hospitalization requirement for coverage of skilled nursing facility services in the case of individuals classified within certain diagnosis-related groups; to the Committee on Ways and Means.

By Mrs. JOHNSON of Connecticut:

H.R. 1693. A bill to amend the Small Business Act to assist the development of small business concerns owned and controlled by women, and for other purposes; to the Committee on Small Business.

H.R. 1694. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for certain amounts contributed to an education investment account; to the Committee on Ways and Means.

By Mr. POMEROY:

H.R. 1695. A bill to establish a Commission on Retirement Savings; to the Committee on Education and the Workforce.

By Mr. RADANOVICH (for himself and Mr. YOUNG of Alaska):

H.R. 1696. A bill to honor agreements reached in the acquisition of Santa Rosa Island, CA, by the National Park Service; to the Committee on Resources.

By Ms. RIVERS:

H.R. 1697. A bill to assess the impact of the North American Free-Trade Agreement on domestic job loss and the environment, and for other purposes; to the Committee on Ways and Means.

By Mr. STARK:

H.R. 1698. A bill to amend the Internal Revenue Code of 1986 to assist families in the purchase of coverage for children under school-based health insurance programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Education and the Workforce, and 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. STUPAK (for himself, Ms. LOFGREN, Mr. SCOTT, Mr. STENHOLM, Mr. GEPHARDT, Mr. FAZIO of California, Mr. BONIOR, Mrs. KENNELLY of Connecticut, Ms. DELAURO, Ms. CARSON, Mr. BOSWELL, Ms. HOOLEY of Oregon, Mr. JEFFERSON, Mr. MEEHAN, Mr. TURNER, Mr. PASCRELL, Mr. SANDLIN, Ms. KILPATRICK, Ms. CHRISTIAN-GREEN, Mr. WATT of North Carolina, Mr. SHERMAN, Mr. KENNEDY of Rhode Island, Mr. MANTON, Mr. WYNN, Mr. VENTO, Ms. JACKSON-LEE, Mr. DELAHUNT, Mr. FARR of California, Mr. ALLEN, Mr. LAFALCE, Mr. MARKEY, Mr. CRAMER, Ms. MILLENDER-MCDONALD, Mr. BROWN of California, Mr. MCINTYRE, Mr. JOHNSON of Wisconsin, Mr. TORRES, Mr. KENNEDY of Massachusetts, Mr. ROTHMAN, Mr. HOLDEN, Mr. HINOJOSA, and Ms. WOOLSEY):

H.R. 1699. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to establish a grant program to prevent and control juvenile crime; to modify Federal court procedures applicable to violent juvenile offenders, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Education and the Workforce, Commerce, and Government Reform and Oversight, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THUNE (for himself, Mr. YOUNG, of Alaska, Mr. HILL, and Mrs. CUBIN):

H.R. 1700. A bill to authorize funds to further the strong Federal interest in the improvement of highways and transportation, and for other purposes; to the Committee on Transportation and Infrastructure.

H.R. 1701. A bill to amend title 23, United States Code, to provide a minimum allocation of highway funds for States that have low population densities and comprise large geographic areas; to the Committee on Transportation and Infrastructure.

By Mr. LAFALCE:

H. Con. Res. 85. Concurrent resolution expressing the sense of Congress that the Small Business Administration should appoint a commission to examine the credit needs of small business concerns; to the Committee on Small Business.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 96: Mr. CUNNINGHAM and Mr. CALVERT.
H.R. 108: Mr. WAXMAN.
H.R. 135: Mr. BERMAN.
H.R. 164: Mr. MCINTYRE, Mr. BROWN of Ohio, Mr. LAMPSON, Mr. RAHALL, Mr. FOGLIETTA, Mr. BARRETT of Wisconsin, Mrs.

LOWEY, Mr. HILLIARD, Mrs. MEEK of Florida, Mr. LATOURETTE, Ms. RIVERS, Mr. GREEN, Mr. GANSKE, Mr. OLVER, Mr. FRANK of Massachusetts, Mr. DAVIS of Illinois, Mr. HOLDEN, Mr. PASCRELL, Mrs. MCCARTHY of New York, Mr. FILNER, Ms. WOOLSEY, Ms. BROWN of Florida, Ms. KILPATRICK, Mrs. CLAYTON, Ms. MILLENDER-MCDONALD, Ms. WATERS, Mr. MANTON, Mr. BALDACCI, Ms. ROS-LEHTINEN, Ms. STABENOW, Mr. BAESLER, Ms. FURSE, Mr. CAPPS, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. HOOLEY of Oregon, and Mr. PAYNE.

H.R. 165: Mr. MCDERMOTT.

H.R. 192: Mr. GOODLING, Mr. PAPPAS, Mr. KINGSTON, and Ms. MCKINNEY.

H.R. 195: Mr. THOMPSON.

H.R. 203: Mr. CALVERT.

H.R. 293: Mr. KENNEDY of Rhode Island.

H.R. 294: Mr. KENNEDY of Rhode Island.

H.R. 295: Mr. KENNEDY of Rhode Island.

H.R. 387: Mr. PAUL, Mr. LIPINSKI, Mr. ROHRABACHER, and Mr. SENSENBRENNER.

H.R. 399: Mr. CALVERT and Mr. WICKER.

H.R. 404: Mr. CANADY of Florida and Ms. FURSE.

H.R. 414: Mr. GOODLING, Mr. PAPPAS, and Ms. MCKINNEY.

H.R. 426: Mr. BOUCHER, Mr. EVERETT, Mr. MCINNIS, Mr. WICKER, Mr. LAFALCE, and Mr. ETHERIDGE.

H.R. 431: Mr. CONDIT and Ms. LOFGREN.

H.R. 446: Mrs. NORTHUP.

H.R. 457: Mr. SNOWBARGER.

H.R. 598: Mr. MCINTYRE.

H.R. 630: Mr. DELLUMS.

H.R. 659: Mr. LIPINSKI, Mr. CHRISTENSEN, and Mr. MCCOLLUM.

H.R. 665: Mrs. KELLY, Mr. BLILEY, and Mr. LOBIONDO.

H.R. 695: Mr. HOUGHTON, Mr. MCHUGH, and Ms. FURSE.

H.R. 716: Mr. HASTERT and Mr. UPTON.

H.R. 723: Mr. ETHERIDGE.

H.R. 754: Mr. KLINK and Mr. SKAGGS.

H.R. 820: Mr. BALDACCI.

H.R. 880: Mr. HALL of Ohio, Mr. MANZULLO, and Mr. DICKEY.

H.R. 900: Mr. PASCRELL, Mr. LAFALCE, Mr. WEXLER, Mr. FOGLIETTA, and Mr. FRANK of Massachusetts.

H.R. 955: Mr. WALSH.

H.R. 964: Mr. GOODLATTE and Mr. BILBRAY.

H.R. 990: Ms. MOLINARI.

H.R. 991: Mr. POSHARD and Mr. VENTO.

H.R. 1006: Ms. RIVERS.

H.R. 1060: Mrs. JOHNSON of Connecticut, Mr. ROHRABACHER, Mr. PASCRELL, Mr. BARCIA of Michigan, Mr. TRAFICANT, Mr. CRAMER, Ms. ESHOO, Mr. HALL of Texas, Mr. MCKEON, Mr. DAN SCHAEFER of Colorado, Mr. SUNUNU, Mr. HUTCHINSON, and Mr. BILBRAY.

H.R. 1061: Mr. SNYDER and Mr. BENTSEN.

H.R. 1063: Mr. BARRETT of Wisconsin, Mr. CLYBURN, Ms. CHRISTIAN-GREEN, Mr. GOODLATTE, Mr. CANADY of Florida, Mrs. THURMAN, Mr. PICKETT, Mr. SENSENBRENNER, Mr. WICKER, Mr. DIAZ-BALART, Mr. DEUTSCH, Mrs. CLAYTON, Mr. GOODE, and Ms. PRYCE of Ohio.

H.R. 1126: Mr. BEREUTER, Mr. YOUNG of Alaska, and Mr. BORSKI.

H.R. 1129: Ms. WOOLSEY, Mr. SPENCE, and Mr. PAPPAS.

H.R. 1132: Ms. FURSE, Ms. PELOSI, Mr. SERRANO, and Ms. WOOLSEY.

H.R. 1138: Mr. THORNBERRY and Mr. WELDON of Florida.

H.R. 1160: Ms. WATERS, Mr. VENTO, and Mr. METCALF.

H.R. 1163: Mr. SKAGGS.

H.R. 1170: Mr. GIBBONS.

H.R. 1188: Mr. BONIOR.

H.R. 1231: Mr. SNYDER and Ms. HOOLEY of Oregon.

H.R. 1247: Mr. FOX of Pennsylvania and Mr. UPTON.

H.R. 1258: Mr. GOODLATTE.

H.R. 1260: Mr. MCINTOSH.

H.R. 1263: Ms. SLAUGHTER.

H.R. 1270: Mr. BEREUTER, Mr. NETHERCUTT, Mr. GREEN, Mr. HEFNER, Mr. CRAMER, Ms. CHRISTIAN-GREEN, Ms. PRYCE of Ohio, Mr. KANJORSKI, and Mr. HOEKSTRA.

H.R. 1283: Mr. WEXLER, Mr. PORTMAN, Mr. UPTON, Mr. MCINNIS, and Mr. MANZULLO.

H.R. 1285: Mr. SOUDER.

H.R. 1296: Mr. GRAHAM.

H.R. 1298: Mr. YATES, Mr. DOYLE, Mr. FOLEY, and Mr. REYES.

H.R. 1315: Mr. GREEN, Mr. GUTIERREZ, Mr. MASCARA, and Mr. PAYNE.

H.R. 1320: Mr. EVANS.

H.R. 1322: Mr. YOUNG of Alaska.

H.R. 1334: Mr. PAYNE and Mrs. MEEK of Florida.

H.R. 1345: Mr. ENGEL.

H.R. 1356: Mr. MCKEON, Mr. BARTLETT of Maryland, and Mr. SMITH of New Jersey.

H.R. 1357: Mr. FILNER.

H.R. 1375: Mr. DUNCAN and Ms. KILPATRICK.

H.R. 1401: Ms. RIVERS.

H.R. 1415: Mr. ROTHMAN, Mr. ACKERMAN, Mr. FARR of California, Mr. BAESLER, Mr. MOLLOHAN, Mr. OLVER, Mr. POSHARD, Mr. PASCRELL, Mr. INGLIS of South Carolina, Mr. LARGENT, Mr. BRYANT, Mrs. LINDA SMITH of Washington, Mr. HYDE, Mrs. CHENOWETH, Mr. HASTINGS of Washington, Ms. CHRISTIAN-GREEN, and Mr. GOODE.

H.R. 1438: Mr. SCHUMER.

H.R. 1442: Mr. METCALF.

H.R. 1475: Mr. KLUG and Mr. FRELINGHUYSEN.

H.R. 1524: Mr. OLVER.

H.R. 1532: Mr. KIM.

H.R. 1559: Mr. PICKERING, Mr. ARCHER, Mr. TAUZIN, Mr. NEY, Mr. HANSEN, and Mr. RIGGS.

H.R. 1570: Ms. LOFGREN, Mr. SABO, Ms. DELAURO, Mr. DELLUMS, Mr. STARK, Mr. YATES, Ms. CHRISTIAN-GREEN, Mr. CONYERS, and Mr. FLAKE.

H.R. 1592: Mr. MCCRERY.

H.R. 1593: Mr. WATKINS.

H.R. 1612: Mr. ROHRABACHER and Mr. GALLEGLY.

H.R. 1684: Mrs. EMERSON.

H.J. Res. 71: Mr. YOUNG of Alaska.

H.J. Res. 75: Mr. FOLEY, Mr. RAHALL, Mr. DELLUMS, Mr. MCINTYRE, Mr. GEPHARDT, Mr. CLYBURN, Mr. GUTIERREZ, Ms. CARSON, and Mr. POSHARD.

H. Con. Res. 52: Mr. MATSUI, Mr. JOHNSON of Wisconsin, Mr. MCGOVERN, and Mr. NUSSLE.

H. Con. Res. 65: Mr. LATOURETTE, Mr. HASTINGS of Florida, Mr. BROWN of Ohio, Ms. FURSE, Mr. DAN SCHAEFER of Colorado, Mr. SPRATT, Mr. BARCIA of Michigan, Mr. FROST, and Mr. MCHUGH.

H. Con. Res. 71: Ms. NORTON, Ms. PELOSI, Mr. FRANK of Massachusetts, Mr. STARK, Mr. FROST, Mr. CLEMENT, Ms. LOFGREN, Mr. GONZALEZ, and Mr. RANGEL.

H. Res. 45: Ms. LOFGREN, Mr. FALEOMAVAEGA, Mr. HOBSON, Mrs. MALONEY of New York, Mr. KLUG, Mr. POMBO, and Mr. RUSH.

H. Res. 138: Ms. RIVERS, Mr. CLEMENT, and Mr. BALDACCI.

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. Con. Res. 65: Mr. BOB SCHAFFER.