SENATE—*Tuesday, June 3, 1997*

The Senate met at 9:30 a.m. and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, Sovereign of this Nation and Lord of our lives, in each period of our history, You have blessed us with great leaders who have exemplified love for You and dedication to our country. Today we celebrate such a man. Thank You for STROM THURMOND. By Your grace he has become a legend in his own time, not just for the quantity, but also for the quality of years of service here in the Senate. On May 25, we all were moved by the fact that this distinguished Senator became the longest serving Senator in the Nation's history. Today we join with all Americans in gratitude for 41 years, 10 months of faithful leadership. You have blessed him to be a blessing to his beloved South Carolina and to the Nation as a whole through the decades. We cherish our friendship with him and admire his patriotism. And Lord, he's pressing on with the drumbeat of Your spirit beating out the cadences of his indefatigable commitment to the American dream.

Father, we thank You for Senator THURMOND's intellect, keen grasp of issues, courage to speak his convictions, and untiring loyalty to his Senate assignments. We marvel at his health, vigor, resiliency, and stamina. But most of all, we praise You for the personal ways he has inspired each of us. He's an affirmer who spurs us on by his words of encouragement. Your spirit of caring and concern for individuals shines through this remarkable man.

Gracious God, may the love and esteem we express this morning spur on the Senator in his leadership for years to come. Through Christ our Lord and Saviour. Amen.

RECOGNITION OF THE MAJORITY LEADER

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

Mr. LOTT. Thank you, Mr. President.

SCHEDULE

Mr. LOTT. Mr. President, for the information of all Senators, this morning, until the hour of 12:30 p.m., the Senate will honor the service of our President pro tempore, Senator THURMOND, as the longest serving Member of the Senate. By previous consent, from 12:30 to 2:15 p.m., the Senate will be in recess to allow for the weekly policy luncheons to meet, and, at 2:15 p.m., the Senate will immediately resume consideration of S. 4, the Family Friendly Workplace Act, with amendments being offered throughout the day to that legislation.

Therefore, Senators can expect rollcall votes throughout today's session of the Senate as we make progress on this most important legislation.

I want to commend the Senator from Missouri for the time that he has spent on this legislation, and I look forward to further debate and amendments that may be offered.

A cloture motion was filed yesterday on the pending amendments to S. 4. So Members can anticipate a cloture vote on Wednesday morning.

As always, Members will be notified accordingly as any votes are ordered with respect to this legislation, or other legislation.

Also, under the provisions of rule XXII, Senators have until the hour of 12:30 p.m. today in order to file first-degree amendments to the substitute amendment to S. 4.

It is my hope also that the Senate will conclude action on the concurrent budget resolution and the supplemental appropriations conference report this week. We do not have an exact time yet for those two but we expect that they would come up Wednesday and Thursday, one or the other, as soon as they are available, with the budget resolution conference report being one that we will take up first—hopefully tomorrow.

I appreciate all Senators' cooperation in this.

ORDER FOR PRINTING OF SENATE DOCUMENT

Mr. LOTT. Mr. President, I ask unanimous consent that tributes to Senator THURMOND be printed as a Senate document.

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

MEASURE PLACED ON THE CALENDAR—H.R. 867

Mr. LOTT. I understand there is a bill at the desk due for its second reading.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 867) to promote the adoption of children in foster care.

Mr. LOTT. Mr. President, I object to further proceedings on this matter at this time.

The PRESIDING OFFICER. The bill will be placed on the Calendar of General Orders.

TRIBUTE TO SENATOR STROM THURMOND

Mr. LOTT. Mr. President, I would like to take this opportunity to pay tribute to the distinguished senior Senator from South Carolina.

This is a very special occasion for the Senate, as we take this time to honor the longest serving Member of this body in history.

Senator THURMOND is an institution within this institution. Among the American people, he is probably one of the best known—and most recognized—Members of the Senate, every morning opening the Senate dutifully here; almost every day when we open. On rare occasions he is not in the chair. And within this congressional family, he holds a place of respect that is truly unique. I have been honored to serve with him, privileged to learn from him, and proud to call him my friend.

If the Senate had a Mount Rushmore, STROM would be on it.

As my colleagues know, Senator THURMOND's stature in the Senate is not just a matter of longevity. It is a matter of accomplishment.

He was first elected to this body on November 2, 1954, as a write-in candidate, and remains to this day the only person elected to the Senate in that manner.

He has served here on both sides of the aisle, and in both the majority and the minority. But he will quickly tell you that the majority is better.

He has chaired both the Armed Services Committee and the Judiciary Committee, and he thereby has made an enduring contribution to both our Nation's security and our system of justice.

He has stood for causes that were popular and causes that were less so. He has been fearless in defending his views, and what may be more important, equally unafraid to change those views when convinced of the rightness of change.

I can remember some of his speeches here in the Senate. He holds the record for the longest speech in the history of the Senate. But I remember as a brand-new Senator, he was standing in this aisle here and giving the most vigorous speech in behalf of the need for a criminal law reform that I believe I have ever heard. It was magnificent.

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

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

When STROM THURMOND came to the Senate almost 42 years ago, he brought with him enough accomplishments already for a lifetime.

He had already been a State senator and circuit judge in his native beloved South Carolina. He had been Governor of the Palmetto State and had been the States Rights candidate for the Presidency in 1948.

Most telling of all, he had landed in Normandy on D-day with the 82d Airborne. Senator THURMOND has much to be proud of in his Senate career. But I doubt that any honors bestowed on him in the course of that career can rival the decorations he won in the Normandy landing: The Legion of Merit with oak leaf cluster and the Bronze Star for Valor.

All of this, of course, is a matter of public record. But what the public generally does not know, however, is the personality and the fantastic character that Senator THURMOND brings to his work in the Senate.

I often wish I had his unfailing good humor, which, come to think of it, probably has something to do with his length of service here. He always comes in ready to go to work with a smile on his face, as he did this very morning.

We all know firsthand how strongly he can argue his point, how fiercely he can defend his values, and how firmly he can put down an opponent who does not have the facts on his side.

But we also know how courteous he is when the debate is over, how generous he is even to those who do not reciprocate that conduct sometimes, and how respectful he has always been to this institution—and to every Member of this institution.

He has been a master of the Senate's rules, for he has always understood that those rules—frustrating and bothersome as they may often seem—are what sets the Senate apart as the most extraordinary legislative body in the world.

He has given so much to his country, in so many different ways, and yet he would resist any attempt on our part to thank him for his lifetime of dedication. For in this regard, Senator THURMOND is truly of the old school: He would rather thank his country for the chance to repay the honor of being an American. After all his years, after all those decades, that is the one appellation that best describes him. Though he has been a Democrat, a Dixiecrat, and a Republican, he has ever been and always will be, most of all, STROM THURMOND, proud American.

Thank you, Senator THURMOND for what you have done for your State, for your country, and for all of us as individuals.

I yield the floor.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of morning business not to extend beyond the hour of 12:30 p.m. for continued tributes to the distinguished President pro tempore of the Senate.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

TRIBUTE TO SENATOR STROM THURMOND

SOUTH CAROLINA'S MARBLE MAN

Mr. ASHCROFT. Mr. President, I rise to participate in this opportunity to celebrate the service of STROM THURMOND.

When Abraham Lincoln stood on the battlefield at Gettysburg to memorialize the outstanding service of those who had died there, he put it succinctly: "The world will little note, nor long remember what we say here, but it can never forget what they did here."

I do not suggest by my own remarks here this morning that my remarks are long to be remembered. But the service of STROM THURMOND is unforgettable, and is indelibly marked, not only in the history of the Senate but in the States of this great Nation as a part of the development of the character of the United States of America.

"A nation reveals itself," said John Kennedy, "not only by the men it produces but also by the men it honors, the men it remembers." And so it is fitting that we should honor the service of STROM THURMOND. For long after his time in the Senate has ended—and the new millennium has begun—STROM will be remembered; not just for the elections that he won, but for the principles upon which he stood, the State he helped to transform, the party he helped to build.

For STROM, winning elections became a habit. From the time he ran his first campaign for Edgefield County superintendent to his most recent reelection, his record of electoral accomplishment is unparalleled in our time. The punditry and political operatives have been left to search for the secret to STROM's success. The answer is really quite simple. At its most basic, it is this: His word is his bond.

Whether giving up his seat in 1956 to run for reelection without the benefit of incumbency, or switching parties in 1964 to support Barry Goldwater, STROM has been true to himself and to the people he represents. He embodies the very essence of what it means to be a leader, "decid[ing] where he wants to go, figur[ing] out how to get there, and then do[ing] it."

But STROM has done more than just win the voters' hearts. He, along with Carroll Campbell, Governor Beasley, BOB INGLIS, and others, have helped take a State of low-country planters and usher them into the information age. Today, South Carolina stands as one of America's great success stories, part of the booming South Atlantic seaboard; its factories, office buildings, and airports are at the forefront of the Nation's economic growth. And through it all, STROM has been there.

Politically, this new South Carolina has also been moving—more than any other southern State—toward the Republican Party. And if ours is a movement of many mansions, then South Carolina is the house that STROM built. Under his watchful eye, the GOP has controlled the governorship since 1986 and wrested four of the State's six House seats from Democratic rule.

Until Senator THURMOND, most would have scoffed at the suggestion that a Republican could win statewide office. But then STROM joined the GOP, and the impossible became the possible. And so today, there are elephants in the cottonfields, and we have Senator THURMOND to thank more than any other.

Mr. President, in his lifetime Senator THURMOND has seen tragedy and triumph, known both midnight and high noon. At times, he has been a solitary figure seemingly at odds with the world. More often, however, he has stood for the national interest and the Nation has stood with him. And as South Carolina has flourished, so too, has he grown, coming to see fully the diversity and richness of the American dream.

His secret is not what he gets, not what he gives, not what he consumes, but how he serves. In the end, what Douglas Southall Freeman said of Robert Lee four decades ago might also be said of Senator THURMOND today. "He [is] one of a small company of great men in whom there is no inconsistency to be explained, no enigma to be solved." What he appears, he is. Not merely a man of great faith, but a great and faithful friend.

A final thought. I often hear the pundits and the national press bemoaning what they call an absence of leadership. Where, they ask, are the Thomas Hart Bentons, the Calhouns, and the Clays? Well, let me suggest that they look to the United States Senate; and there, just beyond the camera's eye, you will find them. They go by HELMS, GRAMM, MOYNIHAN. And perhaps most of all, STROM THURMOND—the Palmetto State's marble man—a "figure lost to flesh and blood and bones, frozen into a legend out of life."

I yield the floor.

Mr. COCHRAN addressed the Chair.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, in 1950 when William Faulkner accepted the Nobel prize for literature, he said that man would not only endure, he would prevail.

I recalled those words this morning when I was coming to the Chamber to describe my impression of Senator

STROM THURMOND. He has not only survived and set a record because of his endurance but he has prevailed and set an example that all of us can study with profit. His character, his integrity, his commitment, his energy, his enthusiasm for his work and for the Senate, his respect for our Government and our country and its people, and his devotion to duty all set him apart. So it is not just because of his tenure that I praise him this morning but it is more importantly for all of these other qualities that have made him so special and so much appreciated as a Senator.

I have felt it to be a real honor to serve in the Senate with STROM THURMOND of South Carolina. He truly is one of the most outstanding Senators who has ever served. And he has been easy to get to know and easy to like, easy to work with because of his cordiality, his warmth, and his willingness to be helpful. He can also give you good advice and be persuasive in a way that makes you want to do what he wants you to do.

I recall going to the well of the Senate to vote when he was chairman of the Judiciary Committee, and I had planned to vote against his position on an amendment. He grabbed me by the arm and began holding it with his famous firm grip, and he said, "Now, you ought to do what's right on this" and started talking to me. And in that little while I realized I was going to vote with him and not the way I had thought I was going to vote when I went to the well of the Senate. I later told somebody that I had been "Thurmonized." That's when you are talked to in a fashion that is very persuasive, very courtly and charming, very distinctively like STROM THURMOND can talk to you.

We have worked closely on agriculture matters. We have worked to ensure that the farmers of South Carolina and those involved in their specialty crops, such as the peach orchard owners, have the kind of investment in research that is necessary to maintain our technological edge, and our productivity, so that we can be competitive in the global markets. He is the farmer's friend. He has said on a number of occasions, and I have heard him say it, "We have to be sure we do right by the farmers; they're very important to this country."

He has the same kind of attitude toward those who serve in the military, and as chairman of the Armed Services Committee he has done as much as anyone, more than most, to help ensure that we have a military which is well equipped, well trained, and is second to none in the world. By reason of his own personal experiences, he knows what it takes in a time of crisis to prevail. He has been a wonderful example in so many ways. He has been devoted to his family. I can recall his talking to the then majority leader, Senator BYRD, about getting out early one night so we could go trick or treating with our children. And he was, of course, in his seventies at that time. But he wanted to be sure that family time was made available, and we got out early that night, I recall, because of the insistence of Senator THURMOND that we have time to spend with our families on Halloween night.

There are many other things that come to mind, personal recollections. I never will forget being invited by him when I was a brand new Senator, to come to Charleston, SC to address the annual dinner of the Hibernian Society. He told me all about what to expect. He said, "The main thing to remember is don't talk long." He said, "They don't want a long speech."

Well, I took that to heart. I didn't talk long. And what I really came to realize when he was introducing me was that the people there were interested in his introduction a lot more than they would be in my speech. He brought the house down. They were there to hear vintage STROM THURMOND, and he was terrific. He started describing me as he introduced me. He said, "He is the first person to ever win statewide office in the State of Mississippi on the Republican ticket." Well, they cheered. And he said, "And he thinks just like we do. He believes in balancing the budget." And they cheered and hollered. And then he said, "And he believes in a strong national defense." And they jumped up and hollered again. And after a while, I realized my speech following this was not going to be worth giving; they were being entertained, but they were also showing their respect, their love for their Senator, STROM THURMOND. I was delighted to be invited and honored to be the speaker, and I did not talk long. It was a very successful experience because of that.

It was a great pleasure working with Senator THURMOND on the Judiciary Committee during my first 2 years in the Senate, which was a very interesting time of transition. Another part of the genius of STROM THURMOND is to manage transition. The President talks about making change our friend. STROM THURMOND has been doing that for so long it is second nature. And the fact is he has been able to not only manage transitions and help ease the pain of transition for this country in so many different areas that he has been a true leader of our country in that respect. He is a wonderful example and a wonderful man, and it is a great privilege for me to be able to speak today in his honor.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. MCCONNELL. Mr. President, I literally cannot remember life without STROM THURMOND. My first awareness of STROM THURMOND was one of the first things I remember in my entire life. I was 6 years old. I was in the first grade at Athens Elementary in Athens, AL. It was 1948. One weekend we were on the porch at my grandfather's house, and I was sitting there listening to my dad and to my grandfather talk about the Presidential election of 1948.

Now, I must confess at age 6 that was not a big item in my life, but that was the first time I heard the name STROM THURMOND. My dad and my granddad talked about the election for a little while, and all I remember for sure is that they said STROM THURMOND was a fine man, they were going to vote for him for President of the United States.

The second time I remember hearing of STROM THURMOND, my family had moved from Alabama to Augusta, GA. My dad was a civilian employee for the Army after having served in World War II in the European theater, as did our fellow Senator whom we honor today. My father was working at the Savannah River plant in Aiken, SC, in 1954.

And again, at age 12, obviously politics was not something I was thinking about very often. It seems to me baseball was most in my interest at that time. But that was the year our colleague whom we honor today got elected to the United States Senate on a write-in in South Carolina. The only time that has been done in history, Mr. President—a remarkable accomplishment.

The next time I remember thinking about Senator THURMOND's distinguished career I was 22, and it was 1964 and we had moved to Kentucky by that point. I had begun to think of myself as a Republican and taken an interest in politics, and I remember the excitement, having been a son of the Deep South, when Senator THURMOND decided to become a Republican. In those days, as the occupant of the Chair certainly knows, too, there were not any Republicans in the Deep South.

I remember the story my dad told me about his father, my grandfather, sitting him down at an early age and explaining to him politics. He said, "Now, son, this won't take long, just a minute." He said, "The Republican Party is the party of the North and the Democratic Party is the party of the South." And that was the end of it. So imagine my excitement as a 22-year-old college senior to see Senator THURMOND from the Deep South, as deep as it gets, South Carolina, saying, I'm going to be a Republican as a matter of conviction. Now, that was a pretty courageous thing to do in 1964 in South Carolina even if you were a pretty established figure, as Senator THURMOND obviously already was. He didn't have to do that. It would have been easy for him to continue to be a Democrat. That was certainly what everybody was in the South in those days. But, as a matter of conviction, Senator THURMOND said, "I can't be a

Democrat anymore. This party doesn't reflect my beliefs and I am going to change." That was the beginning, in every real sense, of the growth of the Republican Party in the South—which I want to say the occupant of the Chair and myself have been substantial beneficiaries of on down in subsequent years.

The next time STROM THURMOND impacted my life was in 1969. I was a legislative assistant to a newly elected Senator from Kentucky who got assigned to the Judiciary Committee. And there was Senator THURMOND. I observed him as a staffer for the 2 years that I was here. He was invariably courteous to those who were beneath him in rank. I oftentimes think that the true test of people's worth is how they treat those people who are not on the same level of influence as they. Senator THURMOND was a favorite of the staff that worked at the Judiciary Committee because he was unfailingly courteous to all of us, and we respected him greatly.

Obviously, the next time Senator THURMOND's life and mine intersected was in 1985 when I was sworn into the Senate and became a member of the Judiciary Committee myself and Senator THURMOND was our chairman.

So, when I say I can't remember life without STROM THURMOND I do not exaggerate. He has been somebody I have heard about, observed and admired all of my life. And, as other speakers have said this morning, and I'm sure others will in the course of the morning, it is an honor for all of us to be associated with this great American. He is truly a legend in our time and a legend that goes beyond simply his longevity, his tenure. Certainly that is a remarkable record. I remember many of us were there at his 90th birthday, when Senator THURMOND looked out at the audience and said, "Now, if you'll eat right and exercise and take care of yourself, you may be here for my 100th birthday party." Obviously, that kind of optimism, the looking forward, planning ahead, thinking about what you want to achieve, that kind of uplifting optimism has been an inspiration to all of us who have had the opportunity to know and to learn from the senior Senator from South Carolina.

But, beyond the legend of tenure, there is also the question of accomplishment. There isn't anybody in the U.S. Senate who knows more about the issues that the Senate Judiciary Committee deals with than STROM THURMOND. And when it comes to national security matters, not only has STROM THURMOND been a hero on the battlefield himself, having ridden on one of those gliders in behind the lines at Normandy in 1944, not only was he a hero himself, but when it comes to the question of securing and standing up for the solid national defense of the United States, STROM THURMOND has no peer. He has been there for 40 years in the U.S. Senate seeing to it that America had a strong national defense in order to protect this country and our way of life and our interests around the world.

So, Mr. President, let me say again, the life of STROM THURMOND—which continues; he is just getting started—has been an inspiration to all of us who have had the opportunity to know him and to love him over the years.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER (Mr. SMITH of Oregon). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. DORGAN. Mr. President, I wanted to stop on the Senate floor today on a mission to compliment my distinguished colleague and friend, Senator STROM THURMOND. He has achieved quite a remarkable record here in the U.S. Senate. I didn't know Senator THURMOND very well except by reputation before I came to the U.S. Senate. But, as I have come to know him and his service to our country, I wanted this morning to join all of my colleagues who will come this morning and tell him thank you for his service to our country.

Senator THURMOND is serving in the U.S. Senate in 1997. He was born in the year 1902. That means that Senator THURMOND has spent a great deal of time in public service. He is a remarkable person by any measure.

When I read a piece about Senator STROM THURMOND about 4 years ago, I went up to him on the floor of Senate, after I read the piece, and told him that I learned a great deal about him I did not know.

One of the things that impressed me so much was to have read about his record in the Second World War. Senator THURMOND volunteered for service in the Second World War, I believe, when he was near 40 years of age. And when I read about what he did in the Second World War, I was really truly astounded. He received five battle stars and 18 decorations: the Legion of Merit with oak leaf cluster, the Bronze Star for valor, the Purple Heart, the Cross of Order of Crown Belgium, and so on.

But what I read about Senator THURMOND was that somewhere near the age of 40, he volunteered to go into service in the Second World War and then further volunteered on a mission, a dangerous mission, to go aloft in a glider and crash-land behind enemy lines at night during the D-day invasion.

I asked Senator THURMOND on the floor, having read about that, "Weren't you terribly afraid that evening as you boarded a glider to be sent aloft?" And we had a little visit about that. He said, no, he was not. He is a man of enormous courage. If you evaluate the record, not only his record during the Second World War, volunteering for dangerous missions and having received so many decorations for valor as a result of that, but also his record in public service following that, you cannot be anything but admiring of this remarkable and wonderful individual.

We spend our time in the Senate here, and I suppose over the couple hundred years that the Senate has been in existence, debating each other and having the give-and-take of the competition of ideas, and sometimes I suppose there might be those who watch these proceedings who think that, gee, this is quite a vigorous debate and we do not have the greatest of respect for each other. I would say to those who watch and get that misimpression that, in almost all cases in this body, those of us who come here have enormous respect for others who have been here and who have come under other circumstances.

Senator THURMOND came to the U.S. Senate, I believe, in 1954, and he has served here with great distinction and great honor. There might be times where he and I would disagree on an issue, but when we disagree we do that without being disagreeable. There have been other times when Senator THURMOND and I have worked together on amendments on the floor of the Senate, and I have been honored to do so.

No matter the circumstance, I feel privileged to have been able to serve at a time in this Senate when someone with as distinguished a record as Senator THURMOND has compiled has been here. I have said on other occasions, for example, that same feeling exists with Senator BYRD of West Virginia, who, I am sure Senator THURMOND would agree, is one of the great Senators of all times.

I, as a young boy, watching and listening and paying some attention to American politics, read about and heard about and studied the works of U.S. Senators. Most of those who I knew about when I was going to school I never had the opportunity to meet and certainly did not have the opportunity to serve with. But because of longevity and because of the length of public service given this country by the likes of Senator BYRD, and especially Senator THURMOND, I feel pleased that I have come to the Senate and had the opportunity to serve during my term with some really wonderful Senators who have contributed a great deal to this country and left this a richer place because of their public service.

Today, I simply wanted to come and say to Senator THURMOND on behalf of the constituents I represent in North

Dakota, thank you for your service to this country. This is a better country and a better place because you have served.

Mr. President, I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. COATS. Mr. President, I am more than honored to come to the floor today to pay tribute to our senior Senator, Senator THURMOND, who has achieved such an outstanding milestone.

Last September 6, I had the privilege of being at Oriole stadium in Baltimore to watch Cal Ripken break the consecutive game record held by Lou Gehrig. It was one of the most moving tributes in sports events that I have ever witnessed or ever heard about. And yet, when I watched a replay of that just the other day and understood the significance of an individual who had, through sickness and injury and personal concerns, established that probably never-to-be-broken record, I could not help but think of a similar individual who I have had the privilege of serving with in the U.S. Senate who has established his own record. And I think that the sacrifice and the commitment and the perseverance and the dedication of Senator THURMOND really can only be compared with that of Cal Ripken—two extraordinary individuals who have set their mind to a task and not allowed anything to come in the way of performing that task and achieving the goal that they have achieved.

Of course, serving in the House of Representatives, all you really know about Senator THURMOND is the legend. You know he is a legendary figure who has provided extraordinary service to his country and serves as a distinguished Member of the U.S. Senate. So when you come to the Senate and have the opportunity to serve with Senator THURMOND, you bring with you a sense of awe, a sense of, how does this individual do this? But you also bring the perceptions that you read about in the press, "Oh, Senator THURMOND's remarkable service, but you know he's getting older and he perhaps doesn't have the stamina and the energy that he once had." Well, it does not take you long here in the U.S. Senate to realize that that perception is wrong.

The first thing you do is you meet Senator THURMOND and you have to shake his hand. And after you shake his hand, you have to take some aspirin because your hand is going to be sore for the next couple days, because Senator THURMOND has maintained a grip that few in the Senate half his age have. So my advice to any new, incoming freshmen or anybody who happens to run into Senator THURMOND in the hall or meet Senator THURMOND is, have a bottle of aspirin in your pocket because, after you shake his hand, your hand is going to be sore for a couple days.

The second thing you find out about Senator THURMOND is that, as Senator Dole says, you watch very carefully what he eats because you want to eat whatever STROM THURMOND is eating if you want to stay healthy. And so we jockey to sit near him at lunch to see what is the secret of this man's success, his longevity, his contribution.

And then, if you are like me and you are someone that enjoys going down to our small, little workout facility down in the Russell Building, you run into Senator THURMOND down there and you ask him, "Senator, how do you get to be the age you are and maintain such good physical health? How is it possible?" And he looks at you and says, "Well, I get up every morning and I do my stretching, do 20 minutes of stretching, and then I do 20 minutes on the bicycle, and then I'll do some calisthenics, and then I swim every week half a mile at a time."

Then he looks at you and says, "If you want to stay limber and you want to stay strong, you've got to pay the price." And I wonder how many of us have the will to pay the price at half his age that he pays at the age of 94.

I could go on and on with these stories. I had the privilege of coaching youth basketball here in northern Virginia, and I had the privilege of having on my team young Paul Thurmond. And so here I am in my forties—my son is on the team along with Paul Thurmond—and Paul Thurmond's father is considerably older than I am, and yet there he is in the stands right behind where I am coaching, watching those games and cheering his son on, who is a remarkable athlete, now a nationally ranked tennis player, I think, at Vanderbilt.

We won the championship of that league, and in no small part due to the terrific contributions of young Paul Thurmond, who is now quite a young man. But I think what is remarkable to me—it was not Paul's athletic prowess—is the fact that Paul's father, Senator THURMOND, was right there cheering him on and with the parents of the kids that won that championship.

I have gotten to meet the rest of his family, and I have gotten to see how Senator THURMOND handles a very, very complex and difficult job and yet cares so deeply for his children and for his family.

I know that Senator THURMOND went through probably the most difficult thing that any parent can go through, and that is the loss of a child. I know how much he grieved the loss of his daughter in that tragic accident that took place. And yet, lesser people would have been broken by that. Lesser people would not have been able to recover from that. Senator THURMOND, I think due in large part to his faith, due to his strength of will, and due to his belief that despite the tragedies in our lives, life must go on, and did go on, and did it in a spirit that is commendable to all of us, because we know how deeply that tragedy struck him.

So there are so many aspects of this extraordinary man that have left such a deep imprint on the lives of all of us here in the Senate and clearly the lives of the people he represents in South Carolina and to many people throughout the world. The impressions I have, the stories I have, the admiration I have for the remarkable person that STROM THURMOND is is really difficult to put into words.

Initially, I was going to sit down and write a speech, but I really wanted this to be from the heart. I really wanted to come over here and say to my colleagues and say to Senator THURMOND, in my lifetime, I do not know that I have ever met someone like you. I do not know if I ever met someone who showed the courage and showed the compassion and showed the loyalty and showed the commitment to the people that he knows and loves and to the people around him and to the people of this Nation.

I bet you could go back 40 years and look up the pages that have served in the Senate, and I will bet you every one of them would say the person that went out of his way to speak to me, to make me feel welcome, was Senator THURMOND. I bet you could go back and talk to staffers from over the last 40 years, or interns, who have worked for Senator THURMOND and hear such remarkable praise from them about the privilege they had of serving and working for him in the Senate. You could talk to any of us who have served with him and we talk about STROM almost in awe. How does this man keep doing it? How are we possibly going to have the energy and passion for the job when we become the age, or we hope to become the age, that Senator THURMOND has become—a unique person, a remarkable record, something that I do not think will ever be broken.

I just want to say to him today what a great privilege it has been for me to serve with STROM THURMOND, what a great example he has provided to me and to my family, how much I admire him, and how much I want to congratulate him for his remarkable service.

Now, the standing story here, and said with all seriousness, is when is STROM going to start preparing for the next election? We just had an election, but no one is about to say that STROM THURMOND is serving in his last term.

This man of such a remarkable constitution continues to give fine representation to the people that he has represented for so long.

Mr. President, I have another dozen stories illustrating the impact of this fine southern gentleman on this institution, but others will recount many of those. I just want him to know he has made a lasting and deep impression on me and it has been one of the highest honors and deepest privileges of my time in the Congress to be a friend and associated with and to work with the Senator from South Carolina, Senator THURMOND.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. HAGEL. Mr. President, I rise this morning to be one of many to pay tribute to our distinguished senior Senator from South Carolina.

Mr. President, I, like all of Senator THURMOND's colleagues, feel it is a privilege to serve with the distinguished Senator, the man whom the Almanac of American Politics calls "the most enduring figure in American politics."

As you and I both know, Mr. President, because you and I are both new Members of this body, we are quickly learning what it means to serve in the U.S. Senate. So it is with genuine respect that I reflect upon STROM THURMOND's many, many, many years of service here in this body, the votes he has cast, the issues he has debated and the people he has known, and the history that Senator THURMOND has helped shape.

STROM THURMOND was serving America for more than a decade before, you, Mr. President, were born, or before I was born. He landed at Normandy on D-Day. Many people do not know that Senator THURMOND was a legitimate hero of World War II. He was jumping out of planes not at the age of 21, but far beyond those tender young ages. He landed at Normandy on D-day. He was a State legislator, a Governor, and a candidate for President of the United States, all before he came to the U.S. Senate.

However, it has been his service in the U.S. Senate that has made STROM THURMOND's boldest and most enduring mark, service that began when I was in grade school in the sand hills of Nebraska. STROM THURMOND came to this body when there were only 48 stars on the American flag. He has served with nine Presidents of both political parties, and his leadership has spanned five decades with tremendous change in American culture, society, and government. STROM THURMOND is part of American history.

This freshman, 6-month-old, humble Senator from Nebraska, wishes to thank Senator THURMOND for the opportunity to learn from his experiences and his leadership. I wish to add my commendation to Senator THURMOND for his dedication, his commitment to our Nation. I admire the strong example he has set for all of us, especially our young people. Mr. President, in a day when we do not have enough strong role models in this country, Senator THURMOND is one. He is an example of a life well lived. He is a true American role model, an American hero.

Senator THURMOND is the highest ranking 95-year-old in the Nation, as far as I know, Mr. President. My only request is that I hope that during my time in the Senate I may conduct myself in such a way that Senator THURMOND will remember me as his colleague and friend long after I have departed this body and Senator THURMOND is still presiding.

Mr. President, I thank you for your time. I once again commend my colleague and my friend, the distinguished chairman of the Armed Services Committee and a most distinguished American.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. SMITH of Oregon. Mr. President, I would not be surprised if Senator THURMOND did not even know my name, and there is no reason that he should. He had served in this body and had run for President before I was ever born, and I want him to know that I was uncomfortable in presiding here in seeing time pass by with too few people rising to pay tribute to his name and the heritage of political service he leads to this country.

I, as a little boy, moved with my father and mother from Pendleton, OR, to Washington, DC. My dad worked for Dwight Eisenhower, and as a little boy I became interested in political affairs and public life, and for all of the memory of my life I remember hearing the name of STROM THURMOND. I remember him as a Democrat. I remember him as a Republican. I remember him always following the dictates of his conscience in pursuing issues as he saw them to be right.

I, therefore, join with all who pay tribute to STROM THURMOND. I thank him for his service to our country. I thank him for his repeated reminders to us and the Republican conference of the first constitutional responsibility that we have—to provide for the common defense. As the chairman of the Senate Armed Services Committee he does that ably, and I, for one, hear his message and am anxious to support him in providing a strong national defense.

I just had occasion to travel with the President of the United States to Europe where we witnessed the signing of the Russia-NATO agreement. I also participated in the ceremonies for the 50th anniversary of the Marshall plan. These are great contributions that America is making to world affairs and to peace. It occurs to me that none of this would have been possible absent a strong national defense. Indeed, providing for an American role in leadership, because we as Americans understand our international responsibility and understand that the world looks to us. Indeed, it looks to leaders like STROM THURMOND to support our military services in making sure that we are the leaders of peacefulness throughout this very hostile and difficult world.

Senator THURMOND, I come to the Senate today to say thank you. I never served in the military and I suppose every man would like one day to have his grandson ask him, "What did you do in the war, Grandpa," and I will not be able to say I served in battle like you did, but in a sense here in the U.S. Senate we go to war every day, but nobody dies, because we have found a way in this country, in this deliberative body, to fight without bloodshed. It will be my great pleasure that when my grandson sits on my knee and asks what did I do to contribute to the public life of this country, one of the things I will say is I served with Senator STROM THURMOND.

Thank you, sir. I salute you and I commend you and I want to say publicly it is a high honor and a great privilege to serve as your colleague in this body of the U.S. Senate.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. THOMPSON. Mr. President, I rise today to offer a few words of congratulations and tribute to a great man.

When the history of American politics is written, somebody needs to put in a pretty good chapter just about Senator STROM THURMOND. This gentleman has seen and lived history as very few people have. He fought on the beaches of Normandy at the age of 41.

His grandfather fought in the Civil War. And his long and dedicated service in the U.S. Senate deserves our honor today. He is both the oldest living and the longest serving Senator in U.S. history.

Like many of my colleagues, he has made a run for the Presidency. That is not so uncommon. But Senator STROM THURMOND ran against President Harry S Truman. That is a little bit different.

Senator THURMOND's life has been spent in public service. He has known every President since Franklin Roosevelt. He has been a county superintendent of education, State senator, Governor, circuit judge. He has been a schoolteacher, a coach. He has worked on a farm, and has even been a motorcycle rider, like my friend Senator CAMPBELL.

Senator THURMOND is one of South Carolina's most successful exports, and clearly their favorite son.

I think it is worth noting that as times have changed, so has Senator THURMOND. When you look back on his life, you see a pretty good reflection of the way he lives. The views of many Americans have changed in this century. I think it is a good thing to know Senator THURMOND, because his example shows us how someone who serves the public can adapt to the times while still living by his core principles.

STROM is a fair man, a kind man, who steadfastly believes in what he says. He believes in the rights of the people he represents to conduct their lives as they see fit. He has fought for that for years, and I think that is extremely noteworthy. It is among the highest obligations that elected officials can uphold.

But aside from all the history, I think what Senator THURMOND most wants to be noted for today is what he sought to do throughout his life; and that is, there is no denying that this man is unendingly thoughtful and is faithful to his friends and family and the people around him.

There aren't too many folks in South Carolina who do not have a firsthand story of Senator THURMOND picking up the phone to offer congratulations or to offer condolences, and getting a note in the mail where he expresses his concern or his interest in something that has happened in the life of a family.

I think that is the mark of the best kind of public service. You don't forget that at the end of the day what matters is the people you can count as friends. And people remember their friends. They respect a true leader who sticks by his guns. Regardless of your politics, that is the kind of respect any public servant strives for, and it is the mark of a true statesman and a true gentleman, and, in this case, a true Southern gentleman.

I have read that my colleague wants to be remembered as a man who is honest, patriotic, and helpful. I am here to tell you that he is all three.

I thank the Chair.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. KEMPTHORNE. Mr. President, today it is a great honor for me to join in this tribute to a remarkable man who has established a remarkable career, Senator STROM THURMOND.

Senator THURMOND has served America as a teacher, as an athletic coach, an attorney, a judge, an Army officer, a war hero, a State senator, a Governor, a Presidential candidate, a U.S. Senator, and, perhaps most importantly, a father and husband.

What an honor it is to serve with Senator THURMOND in the U.S. Senate.

I mentioned his role as father and husband. Mr. President, I am sure you have seen also, on those occasions when we are all together with our family members, the wonderful pride that you see in the eyes of STROM THURMOND when he introduces his children to us, when he talks about some of the great accomplishments of his children, and the twinkle in his eye when he talks about his family.

While serving, Mr. President, in a variety of these capacities, it was as a circuit judge when war with Germany broke out. As a judge, Mr. President, he was exempt from military service. But STROM THURMOND, as soon as war was declared with Germany, traded in that robe for the uniform of the U.S. military.

Recently, we celebrated the 50th anniversary of World War II. We think about all that that meant. And, for many of us, we had not even been born at that point—World War II. One of the key, key events of World War II was D-day, the invasion. And it was on that day that this former circuit court judge joined in the invasion of the occupied territory, and, in a glider, went behind enemy lines and fought for his country. Because of that, Senator THURMOND received 5 battle stars and 18 decorations, including the Purple Heart and the Bronze Star for valor. And we see that valor every day here in the U.S. Senate.

Senator THURMOND set a record for longevity of service in the U.S. Senate. But it is his record of accomplishment, not just the length of service, that makes his career legendary.

It is my distinct pleasure and honor to serve with STROM as my chairman on the Senate Armed Services Committee.

As chairman of the Senate Armed Services Committee, Senator THURMOND is a tireless advocate of a strong defense, a strong America, and the men and women who volunteer to wear the uniform of the United States, and with his distinguished, distinguished service in the military here is a man who every man and woman in uniform can look to with great pride knowing how much he cares for them and the duty that they are called upon to carry out.

My colleagues know the strength of Senator THURMOND's convictions which can be measured directly by his grip on your arm as he discusses those issues with you. Senator THURMOND has never been afraid to stand up for his principles and what he believes in, no matter how the political winds may be blowing.

In recognition of his career and his character, the people of South Carolina have elected STROM THURMOND seven times to represent them as their Senator, including the first time in 1954 as a write-in candidate.

Mr. President, when we think about this remarkable life of Senator STROM THURMOND, who was born in the year 1902, think of all of the changes that have taken place in this country of ours, all of the advances in technology, all of the changes in the progress, the achievements of this Nation, of the world, here is a man who has seen it all. Here is a man, though, who has absolutely remained current. I hope that as I continue my life I can continue to be contemporary. When STROM THURMOND goes back to the wonderful State of South Carolina, it is the young people who identify with him as well. Here is someone they admire and look to. Here is a man who because of his inquisitive mind, because of his wonderful sense of humor, his energy for life, and his unending love for his country, people of all ages admire.

We need the STROM THURMONDs of this country because it is the STROM THURMONDs of this country who are the role models for the rest of us. At some point when I conclude my career in the Senate, one of the things I will be able to look back on is that I had the great honor of serving with Senator STROM THURMOND.

Senator THURMOND, as a citizen, I thank you for all that you mean to the United States of America and God bless you.

Mr. President, I yield the floor.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Alaska, I suggest the absence of a quorum. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mrs. HUTCHISON. Mr. President, I thank you for presiding at this very

important morning of celebration. We are here to talk about someone who is truly remarkable—our distinguished colleague, the President pro tempore of the Senate, the Senator from South Carolina, STROM THURMOND.

Pablo Picasso once said it takes a long time to grow young. This is one point on which STROM and Picasso would agree. Picasso was still a painter at the age of 92, and of course, we all know what STROM THURMOND is doing today. He is leading our Nation.

STROM often reminds me that Col. William Barrett Travis, the commander at the Alamo, was from STROM's home county in South Carolina. Although STROM missed the Battle of the Alamo by a few years, he has displayed the spirit of the Alamo time and time again—the sense of duty and commitment to freedom that made Colonel Travis such a hero at the Alamo.

He was commissioned in the Army in 1924, and though he didn't need to, he volunteered for service in World War II at the age of 40. He wanted to. He served in both the Pacific and the European theaters and landed in a glider on the beach at Normandy on D-day. He earned 18 decorations, including the Legion of Merit, the Purple Heart, and the Bronze Star for Valor. He remained in the Army Reserve. He retired at the rank of major general, following 36 years of active and reserve military service, nearly 40 years ago.

I remember something that made such an impression on me in 1994 when I was a new Member of the Senate. We were celebrating the 50th anniversary of the landing at Normandy in 1944. I remember hearing—in absolute awe—that one current Member of Congress who landed at Normandy, STROM THURMOND, was to be honored. He missed the anniversary, and I remember thinking to myself how extraordinary his reason was. STROM THURMOND, who volunteered at the age of 40, and who landed on a glider at D-day, missed the 50th anniversary because he had a son graduating from high school. This is an extraordinary man. He has served as a State senator, a circuit court judge, a Governor, a soldier in time of war, a Presidential candidate, and now is the oldest and longest serving Senator in our Nation's history.

It was my pleasure to serve with STROM THURMOND on the Armed Services Committee, and I can say as one who was there, he worked for only one purpose: To ensure our country's national defense remained strong. During his last campaign, Senator THURMOND asked the people of South Carolina one simple question: Who can do more to help steer the future of America toward the conservative principles we believe in? Who can best continue to diligently and effectively help all the people of South Carolina? The people of South Carolina spoke resoundingly that the person was STROM THURMOND and returned him to the U.S. Senate. We are here today to honor their choice and their confidence in this gentleman.

STROM has announced that it is, after all, a man's prerogative to change his mind. He has announced that he will no longer support continual service without term limits. So, now that he has embraced term limits, in a magnanimous gesture he has announced that he will not run for reelection in 2002. We think that really is magnanimous because there are few South Carolina politicians who would have the energy to take on the man that we have affectionately dubbed "The Thurmonater."

He began his career in public service as a coach in 1923, and 74 years later he remains a coach and teacher to all of us.

Senator THURMOND, it is a pleasure and an honor to work beside you, and I wish you continued success in a long and healthy life that I know you will have.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Indiana is recognized.

Mr. LUGAR. Mr. President, the celebration of the life and recordbreaking Senate career of Senator STROM THURMOND gives each of us an opportunity to underline strengths of our friend and our colleague which we should emulate. Senator THURMOND is the oldest of our colleagues, but my most vivid memories of him have often involved his interaction with young people.

During a trip to military installations early in my Senate career, I learned much about successful constituent relationships from STROM. Even while on the road, STROM THURMOND was receiving the names of South Carolinians who had recently died, were married, or enjoyed personal honors such as graduation or academic recognition. With the assistance of his able staff, STROM obtained daily lists of names and placed telephone calls, through his Washington office, to at least 2 dozen of these persons, according to my observations, leaving appropriate messages when necessary. He displayed the greatest excitement over students and could often identify their parents and their grandparents as he shared pride in the accomplishments of the entire family.

Upon arrival at one naval base that shall remain nameless, STROM demonstrated another attribute, which has been partly responsible for his longevity of Senatorial service. We were greeted by the naval captain who commanded the base and, after just a few words of conversation, STROM indicated that it was 4:30 in the afternoon, he had been traveling for hours, and he wanted to jog around the base. He invited the astonished commanding officer to join him for the run and strongly insisted that this would be an excellent opportunity. As negotiations on the running assignment proceeded, the captain successfully pled the press of urgent duties and encouraged a young ensign to suit up for running duty with Senator THURMOND. I saw this episode repeated on another occasion.

I noticed a remarkable excitement which young people enjoyed when running with STROM THURMOND. This excitement is not restricted to miscellaneous strangers that STROM met across the country. Last summer, I found that STROM's son, Paul, was a member of my fraternity, Beta Theta Pi, and that several of his fraternity brothers were interns in Senator THURMOND's office. I invited them to lunch in the Senate dining room where, midway through our meal, STROM entered with constituents from South Carolina. I was deeply touched while watching Paul greet his dad and the constituents and indicate to all the importance of the reelection campaign in which the entire family was heavily involved. Paul critiqued STROM's early morning TV appearance and the current stress of various activities, giving his dad advice. Then Paul and his fraternity brothers shared with me great stories about their experiences with STROM, including his intense interest in their daily activities.

All of us know from our daily visits with STROM THURMOND on the floor of the Senate that he greets each of us warmly. He is excited by these encounters, almost as if it were the first time in a long while that he has seen us. In visiting with these young men who were interns in his office, and later with my own son, David Lugar, who had a wonderful conversation with STROM at a fundraising reception, I found a common theme.

STROM, obviously, is invigorated by his meetings with young people, and he has much to say to them about successful patterns of living. His political instruction is surely world class, and I suspect that all of us recognize the power of a truly disciplined life that has been lived with the setting of important goals and the sustained activity necessary to achieve them.

Very fortunately, STROM has not only set a record for longevity of service in the Senate, he is still among us, giving encouragement each day and inspiring the best of our efforts. I am very grateful for the privilege of serving with him.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. HATCH. Mr. President, I rise today to join in honoring a legend, a legend not just in the Senate but also throughout the United States of America.

I have been privileged to serve with Senator THURMOND for 21 of the last nearly 42 years that he has represented the State of South Carolina as one of the premier U.S. Senators in this body.

When I first arrived in January 1977, Senator THURMOND was my special mentor. As my senior on the Senate Judiciary Committee, he gave me my first lessons of the committee's processes. Ever since then, he has been a personal and very special friend to me.

I have admired Senator THURMOND's strong commitment to federalism and his steadfast support of the prerogatives of both State and local governments. I have admired his toughness in the matters of criminal justice. I have admired his objectivity and fairness when it comes to matters concerning the judiciary. There can be no question that Senator THURMOND has left his mark on the Senate Judiciary Committee and the laws created by it.

Nearly 42 years of distinguished service in the U.S. Senate would be a lifetime accomplishment for anybody—certainly for most people. But Senator THURMOND was just warming up when he arrived here for the first time in 1955. Before that he was county superintendent of schools, county attorney, circuit judge, D-day hero with the 82d Airborne, Governor of South Carolina, and Presidential candidate in 1948.

The problem with using the word "legend" is that many times the exploits ascribed to a legendary figure are exaggerated or apocryphal. But it is entirely safe to say that Senator THURMOND is a legend. His accomplishments and contributions both for his beloved home State and his country are very well documented. And a lot of us are very familiar with them.

I will never forget his trip to Utah in 1991 to keynote my Utah Seniors Conference. About 1,000 seniors from all over the State of Utah and the intermountain West gathered in Salt Lake City for a day of workshops and speakers on everything from retirement finances to travel bargains. Senator THURMOND is quite a role model. His enthusiasm for his work, his family, for his country, and for life itself was genuine and infectious. Our people in Utah were so impressed, that he gave them so much to live for, so much to strive for, so much to try to be, that I will never forget that appearance out there in Utah.

We have been together on so many occasions and we have done so many things together that I think I am in a special position to say how much I care for this wonderful human being and how proud I am that he has reached this milestone in the U.S. Senate. I am not sure that it will ever be broken.

Senator THURMOND is one who will leave a legacy not only of achievement but of honor and integrity to the Senate and the people of South Carolina. But, of course, it is premature to think that the latest milestone is the last milestone. I do not believe STROM THURMOND is finished yet.

I have a lot of friends in the Senate, and I care for all of them. This is a wonderful body. It is a collegial body. It is an important body, the most important legislative body in the world today. But I have no greater friend than my good friend from South Carolina, STROM THURMOND.

He has been my mentor. He has been my friend. He has been my supporter. He has been a person who has taken time to help me to know the ropes here. And he is a human being who you cannot help but respect.

I am proud that he has not lost a step. This man is as effective today as when I got here in 1977, in fact, in some ways maybe even more effective because of the additional 21 years of experience that he has been able to accumulate.

Senator THURMOND has been good to his staff. He is good to the people around the Senate. I have seen him shake hands with almost everybody who comes his way. He takes time with young people, children, older people, whoever. He stops and says hello and always has a cheery salutation for people as he serves in the Senate.

I also know that there is nobody in the Senate who knows more about his State and the people therein than STROM THURMOND. I have seen him make phone calls to his State. I have seen him worry about funerals, about deaths, about graduations, about education, about so many things that really have been important for people in his State. I think it is probably true that he has basically touched the lives and the hearts of virtually everybody in the State of South Carolina. But it is also true that he has touched the hearts of many of us throughout the rest of the country.

And I for one am a better person because of my relationship and the friendship and brotherhood that I have with STROM THURMOND of South Carolina.

He is a great man. He is a legend. And I believe that he is going to make these next number of years the most important years of his life. And if anybody can do it, it is my buddy, my friend, my mentor, STROM THURMOND.

So I would have felt badly if I had not gotten over here and at least said a few of the things that are on my mind. I could go on for hours. But this is a great man, one of the greatest that has ever lived in this country. He is a great patriot, somebody who really loves this country and has given blood for it.

I want you to know, Senator THURMOND, I appreciate you. And I know I am not supposed to refer to you in the first person on the floor, but I am going to today. I appreciate you and appreciate the kindness and the friendship you have shown me all these years. And we are going to be friends forevermore. So I am grateful to you and I am happy to see you achieve this honor. And I wish you many, many more years in the U.S. Senate. And I know that as long as you will be here, that you will give it everything you have.

Thank you, Mr. President.

I yield the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. DASCHLE. Mr. President, in his thought-provoking book, "The Faith We Have Not Kept," Senator STROM THURMOND writes:

> The nation that ceases to expand its consciousness begins to die at that very moment. Once a nation loses its conviction of truth, doubts, and self-doubts rob it of its will and its strength.

During his 41 years and 10 months in the U.S. Senate, Senator STROM THURMOND has certainly helped ensure that this great Nation continues to expand its consciousness and to ensure that we never lose the conviction of truth. In so doing, he has helped our Nation continue to thrive and prosper and build its will and its strength.

For these reasons, we admire as well as honor the man who this past Sunday, on May 25, became the longest serving Senator in the history of the United States.

From the start, I want to make it clear I have not always agreed with the senior Senator from South Carolina. In fact, we probably disagreed more than we have agreed.

But I also want to make clear that my disagreements with him have never once diminished my admiration for him as a man, as a lawmaker, and as an American. Never once have our differences reduced my respect for his tenacious fights for the causes in which he believes and his adherence to what he has called the bedrock for all our expectations, the Constitution of the United States.

This historic achievement is another important milestone in the life and career of a man who has become a political icon of the South—a life and a career that has included:

Being the first and only person to be elected to the U.S. Senate on a write-in ballot;

Delivering the longest speech in the history of the Senate, 24 hours, and 18 minutes; and,

Being the oldest person to have ever served here in the Senate.

One might be inclined to think that being a Federal lawmaker is all that STROM THURMOND has ever done. Actually, he has done a few other things. He has been a farmer, a lawyer, a teacher, a coach, an education administrator, a judge, a Governor, a State senator, and an author. He is a soldier—a distinguished veteran of World War II who participated in the D-day invasion and has been awarded 5 military stars and 18 decorations. He has been a Democrat, a Dixiecrat, and a Republican.

What a life.

What a career.

In addition to the skill and intellect, the doggedness and drive, and the other attributes that make for an outstanding senatorial career, Senator THURMOND's historic achievement marks the career of someone:

Born before the birth of aviation—the year before the Wright brothers took off in their plane at Kitty Hawk;

Elected to his first political office while Calvin Coolidge was President;

Who began serving in the Senate before some of its current Members, including this one, were born; and

Who has served with about one-fifth of the 1,843 men and women who have been Members of the U.S. Senate.

For his long and distinguished career, the people of South Carolina are naming much of that State in Senator THURMOND's honor. Go to almost any town in his beautiful and beloved State and you will find Strom Thurmond Street or Bridge. You will similarly find named in his honor a high school in Edgefield County, a student center at Baptist College, a dormitory at Winthrop College, a criminal justice building at the Greenville Technical College, a Federal building in Columbia, the Center for Excellence in Government at Clemson, an auditorium at the University of South Carolina School of Law, a mall in Columbia, and a vocational rehabilitation center in Aiken. You will also find Strom Thurmond Lake, Dam, and Highway in Clarks Hill, the Strom Thurmond Educational Center in Union, the Strom Thurmond Biomedical Research Center at the Medical University of South Carolina, and the Strom Thurmond Defense Finance and Accounting Building in Charleston.

His office walls are covered floor to ceiling with awards too numerous to mention. The people of South Carolina are obviously pleased and proud of their man in Washington just as we are pleased and proud to have him here with us.

It is interesting to note that the oldest and longest serving Member in Senate history has announced his support for term limits. After six decades in political office and four decades in the Senate, this may be the only way that he will ever leave the Senate.

One of his staffers aptly pointed out that "graveyards in South Carolina are filled with people waiting for STROM THURMOND to die so they could run for the Senate."

Mr. President, I congratulate Senator STROM THURMOND for his remarkable career and his historic feat, becoming the longest serving Senator in U.S. history. I thank him for his contributions to the U.S. Senate, for his contributions in making this a better country, and for being a friend and a colleague. Finally, I thank him for expanding the consciousness of this great Nation and ensuring that we never lose our conviction of truth.

I suggest the absence of a quorum.

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

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from New Mexico.

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

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

Mr. DOMENICI. Mr. President, I have served in the Senate for 25 years. Obviously, when compared with Senator STROM THURMOND, I do not even have any bragging rights yet.

I thought I would come down here to remark, for the Senate record and for the distinguished Senator THURMOND, on a few of my thoughts about my 25 years here, and what I remember most about Senator THURMOND. Rather than talk about legislation, I will talk about some of his qualities and characteristics that stand out most in my mind.

I guess the most immediate thought that comes to mind is that he is a real gentleman. I think when you have been such an acclaimed, esteemed political leader for as long as he has, it is a rare quality and rare compliment that you can say he has never stopped being a gentleman. By that, I mean he is considerate of everyone. He visits more people and attends more events to honor other people, than anyone I know, and he does it with great enthusiasm. He attends events, whether for the chairman of the Appropriations Committee or a brandnew Senator—he puts it on his list and he spends an hour to an hour and a half, 3 or 4 nights a week, attending events to honor or help other people. It is absolutely beyond belief how much energy and time he spends on other people.

Second—and I hope this characteristic is never passe, I hope it is always important—I believe he is about as loyal an American citizen as I have ever worked with, as I have ever exchanged views with, and that I have ever been privileged to call friend. By being a loyal American, what I mean is he is constantly asking what is good for America. When he speaks about our national defense, you just know he loves this country. That is what I mean when I say he is a true, loyal American. He is a patriot. He has served America and his constituents in his State in more capacities than anyone in this institution will ever be privileged to serve. Yet, he is always optimistic and he is always sure and certain that this country—that he loves so much—is one of the great achievements of all humankind. He speaks of it as something that we ought to be proud of, that we ought to preserve.

Mr. President, my last observation about STROM THURMOND is that he knows how to be a team player.

You know, it is entirely possible that a man of his exquisite accomplishments and seniority wouldn't have to be a team player. But I can tell you, as one who has had to manage a large number of very, very tough measures on the floor of the Senate, STROM THURMOND is one of the best team players when he believes you are trying to do is something good for the country.

There are many other characteristics that other Senators will speak of. They are all well deserved. I am here to speak of my own evaluation: a gentleman, a true and loyal American, and a team player. That is how view him. That is how I think many will view him they look at his great accomplishments and marvelous life.

I yield the floor.

Mr. FAIRCLOTH addressed the Chair.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. FAIRCLOTH. Mr. President, I rise to congratulate my good friend, colleague, and neighbor, STROM THURMOND.

Mr. President, I cannot say much that has not already been said about Senator THURMOND. When I think about the life of STROM THURMOND, his life is literally a chapter of American history.

STROM was born in 1902. This was the year before the Wright brothers did their first flight. He has lived through four wars, and was a war hero in one of them—World War II. He was at Normandy in June of 1944 when we liberated Europe.

A funny and personal note, quickly: After I came to the Senate, STROM said to me on the floor one day, "What year were you born?" I told him I was born in 1928, which made me pretty old. He looked at me and said, "That was a good year. That was the year I was county superintendent of education." So I felt young again.

I congratulate him as the longest serving Senator in the history of the United States. I can think of no one more fitting than STROM THURMOND to

hold this honor. He has devoted his entire adult life to serving the people of the United States and the people of South Carolina.

He first became a State senator in 1933, which was a pretty long time ago. And he served as Governor from 1947 until 1951. He ran for President, and was a lot closer to being elected than most people realized. But, more appropriately, they elected him to the Senate in 1954 as a write-in candidate—so far as I know, the only write-in candidate ever elected to the Senate. And they have reelected him ever since, as both Democrat and Republican.

As his neighbor from North Carolina, I say to all South Carolinians that they should be proud, and I know they are proud of Senator THURMOND.

Senator THURMOND is a man of deep faith, and he truly has the courage of his convictions. In his long career, I have never heard anybody question his integrity or his dedication to public service. In this day and age of attack politics, STROM THURMOND is forever the gentleman. His manner should be a role model for aspiring politicians and Senators.

Further, I can think of no one in the Senate who I would rather have as chairman of the Armed Services Committee. He is a veteran, he is a war hero, and he is a man of unwavering integrity and commitment to the causes he believes in. And one of those principal causes is a strong national defense. He is a man of principles, and one of those principles, I again repeat, is a strong national defense. It is the one identifying characteristic, if no other, of STROM THURMOND.

I know that he will not let anyone ever weaken the national defense system as long as he is chairman. And I hope he remains chairman for a long time to come.

Mr. President, I thank STROM THURMOND for his service, and as a nation we thank STROM THURMOND for his service. Our veterans and men in uniform throughout the country are aware of what he has done, what he represents, and he still has the strong support of them.

I look forward to continuing to serve with Senator THURMOND far into the future.

I thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. STEVENS. Mr. President, I have been an occupant of the Chair and listened to many statements now concerning my good friend from South Carolina. So I am not going to repeat some of the matters concerning Senator THURMOND's personal background. I would like to just discuss some of the memories I have of this great Senator.

It is a matter of coincidence, I guess, but Senator THURMOND came to the Senate by appointment on December 24, 1954. I came to the Senate by appointment on December 24, 1968. I thank the Parliamentarian for assisting me in finding those dates. When I came to the Senate, Senator THURMOND was 22d in seniority. It is an interesting thing that he is now the first in line, and, on our side, I am now the second.

A great many people have come to the Senate, and left, since the first day that I came to the Senate and joined Senator THURMOND. But it was with great interest that I met him because I read a great deal about the Senator from South Carolina prior to coming to the Senate.

As a matter of history, I was trained to fly gliders in World War II and firmly expected to be deployed to the European theater, when I was reassigned into the China theater, and did not ever get to tow gliders into combat. But I did train to tow them. And I was very interested to find out that Senator THURMOND was one of those who led part of our forces flying a glider into the invasion in June 1944.

You know, the whole concept of using gliders was to insert troops far beyond the shore defenses out in front. And that is, I think, what I would say about Senator THURMOND: He has always been out in front.

He has also been a leader by example. There is one thing that young Senators coming into the Senate, whether in the group that I came in 1968 or every new term that brings more Senators, soon learn. If you want to see what a Senator should act like, should be like, you should emulate the Senator from South Carolina. As a matter of fact, my brother, Bob, lives in South Carolina. When he speaks of "my Senator," he is talking about Senator THURMOND—not me—because Senator THURMOND is a real champion of the people of his State. They know him personally.

It was my privilege in one election to accompany Senator THURMOND to South Carolina and to go to campaign events with him. I want the Senate to know, if they want to learn how to campaign, that they ought to try that. Because when Senator THURMOND goes into an event—and we went to several on that trip that I made with him to South Carolina—he does not need someone standing beside him to remind him who people are. He loves campaigning. You can tell that he knows his people, and they love him because it is a reunion. Each one of his campaign events are reunions. They are not just something to go to, to try to listen to; they are supporters coming to meet their Senator. There is a great difference, Mr. President. I think we all know that.

But time passes very quickly in the Senate. It passes quickly for those who are busy. Some people come and leave very quickly because they never really become part of the Senate family. Senator THURMOND has been a leader not only in the Senate, but here on the floor and in the Senate family.

My daughter, Lily—this is Uncle STROM to her. I think for almost every one of us who have had young children here in the Senate, they have had that same relationship to Senator THURMOND. She literally lights up when she sees STROM because she is meeting a friend. He really vibrates with young people. And I like that as a father. But I also admire it greatly in terms of his qualities and the way he approaches life.

I was thinking, as I sat there in the chair, about what I would say about Senator THURMOND. My message to the Senate is, here is a man who loves life. There is a real joy to his life. He has had some sadness. But he has had the strength to overcome that. But he really enjoys life.

I remember when he used to tell me that I ought to work out more, that I ought to get more exercise. I thought I was getting a lot of exercise. But I soon found out that I needed that exercise because every time he grabbed me by the arm, I went away with a bruise. And I had to get a little bit more muscle there so I could be close enough to him so he could talk to me. You watch. He will do that when I finish. He is going to grab me by the arm and let me know there is still strength in that arm. And it is the strength of a strong heart, a heart that really loves our country, and loves the Senate, and that really has dignified the Senate in his years here.

He has been in some battles. He has been in some battles with me. But I will tell the Senate that no one in the Senate could have a better friend than STROM THURMOND. I am proud to be here today to call him my friend and to acknowledge his great leadership.

Thank you, Mr. President.

Mr. SMITH of New Hampshire. Mr. President, I rise to join my colleagues in paying tribute to the distinguished President pro tempore of the Senate, the senior Senator from South Carolina, Senator STROM THURMOND.

Senator THURMOND was born at the dawn of the 20th century, on December 5, 1902, at Edgefield, SC. He has lived nearly every day of this tumultuous century.

Mr. President, I take particular interest and pride in Senator THURMOND's early career. After graduating from Clemson University in 1923, Senator THURMOND embarked on 6 years of service as a public school teacher and athletic coach. Mr. President, that is how I began my own career after my own graduation from college.

Senator THURMOND subsequently served as his home county's superintendent of education from 1929 to 1933.

Having studied law at night under the tutelage of his father, Senator

THURMOND became a member of the South Carolina Bar in 1930. He was a city attorney and county attorney from 1930 to 1938.

In 1933, STROM THURMOND was elected State senator, an office that he held until 1938. He next served as a South Carolina circuit judge from 1938 to 1946.

It has been my honor, Mr. President, to have served on the Armed Services Committee with Senator THURMOND since I was elected to the Senate in 1990 and, for the past more than 2 years, under his able leadership as chairman. Given that connection, I want to call special attention to Senator THURMOND's heroic service in World War II.

Mr. President, in June, 1944, STROM THURMOND volunteered to participate in D-day by parachuting into France, but was told that he was too old. Instead, then-Judge THURMOND, age 41, participated in the Normandy Invasion by landing with members of the 325th Glider Infantry Regiment, 82d Airborne Division.

Ultimately, STROM THURMOND was awarded 5 battle stars and 18 decorations, medals, and awards, including the Legion of Merit with oak leaf cluster, the Bronze Star Medal with "V," the Purple Heart, the Belgian Order of the Crown, and the French Croix de Guerre.

After World War II, Mr. President, STROM THURMOND served as the Governor of South Carolina from 1947 to 1951. He was the States' rights Democratic nominee for President in 1948. He carried 4 States, receiving 39 electoral votes.

Following his service as Governor of his beloved state, STROM THURMOND practiced law in Aiken, SC, from 1951 to 1955.

Mr. President, STROM THURMOND was elected to the U.S. Senate as a write-in candidate in 1954. He resigned in 1956, in the words of his official biography, in order "to place the office in a primary, pursuant to a promise to the people during the 1954 campaign."

Subsequently, of course, Mr. President, STROM THURMOND was elected to the Senate in 1956, and reelected in 1960, 1966, 1972, 1978, 1984, 1990, and 1996. He has spoken of retirement after his current term, which will end after Senator THURMOND's 100th birthday on December 2, 2002. I am sure that I am not alone when I say that I hope that he will reconsider.

Mr. President, it has been my honor and privilege to serve in the U.S. Senate with Senator STROM THURMOND for the past more than 6 years. I respect him, I admire him, and I value his friendship. I look forward to continuing to serve with him, under his leadership as President pro tempore of the Senate and as the Chairman of the Armed Services Committee, for many years to come.

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

Mr. GRAMM. Mr. President, last week, Senator STROM THURMOND became the longest-serving U.S. Senator in American history. That, in itself, is an amazing feat—42 years tirelessly representing his home State of South Carolina and our Nation. While this milestone rightly garnered much attention, it is because of Senator THURMOND's many accomplishments in and out of this Chamber, not simply the length of his tenure, that he will always be remembered as one of the true giants of this institution and why he will go down in history as one of the most important figures in 20th century American politics. I am proud to serve in the Senate with STROM THURMOND and glad to have this opportunity to honor him and his continuing record of achievement.

We all know of STROM THURMOND's legacy. Teacher, State senator, judge, soldier at Normandy, Governor, Presidential candidate, and U.S. Senator. Always guided by principle and a strong devotion to service, STROM THURMOND's life and career are an example to each and every one of us and are a poignant realization of the American dream.

STROM THURMOND grew up on a farm in Edgefield, SC, not far from where William Barret Travis, the heroic commander of the Alamo, was born. He began his career as a teacher and athletic coach and his strong love of education soon led him to be the youngest person ever to become superintendent of education for Edgefield County. In the ensuing years he would further serve the people of South Carolina as a State senator and a circuit court judge. When World War II came, STROM THURMOND chose to leave the State he so loved to defend democracy overseas. As a judge, he was exempt from military service, but Senator THURMOND relinquished his robe and volunteered for active duty in the military. His war record is the stuff of legend: he fought in five battles, landed by glider at Normandy on D-day and was ultimately awarded 5 battle stars and 18 decorations for his service.

After the war, STROM THURMOND came home and was elected Governor, and in 1948, he ran for President. Soon after, he was elected as a write-in candidate to the U.S. Senate, becoming the first person ever elected to the Senate by this method.

Newly-elected Senator THURMOND, drawing upon his firsthand experience in the armed services, quickly became an expert on military and defense issues, beginning a lifelong dedication to our fighting men and women and an unwavering stand in favor of a strong national defense.

Senator THURMOND began his political career as a Democrat. But when he concluded that the national Republican Party better embodied the principles and values he held and cherished, he made a bold decision to become a Republican in 1964. I know from experience that there are many pressures and difficulties you face in leaving the party you grew up in, but I know that STROM has never regretted his decision.

Throughout his historic tenure in the Senate, as chairman of the Judiciary Committee, chairman of the Armed Services Committee, and as President pro tempore, Senator STROM THURMOND has served the people of South Carolina—and America—with uncommon distinction and honor. I congratulate Senator THURMOND today. It is an honor to call him a friend and colleague, and I look forward to his continued strong leadership in the U.S. Senate.

(At the request of Mr. DASCHLE, the following statement was ordered to be printed in the RECORD.)

• Mr. BIDEN. Mr. President, in 1981, the Senate Judiciary Committee had a new chairman, and a new ranking member, and there were more than a few folks who were eagerly looking forward to the fireworks. With the election of a new, conservative Republican administration and a new Republican majority in the Senate, The Judiciary Committee seemed destined to be a battleground for many of the great philosophical questions which divided us then, and which divide us now. And to many "Washington Insiders," there was little prospect that STROM THURMOND—the veteran conservative Republican chairman from South Carolina who first made his mark on national politics as a principal advocate of States rights—and JOE BIDEN—a northeastern democrat still in his thirties whose interest in politics was sparked in large part by the civil rights movement—could ever find common ground as we grappled with many of those fundamental questions.

I never shared those doubts, because by that time, Senator THURMOND and I had served together for 8 years. I knew that STROM THURMOND's personal strengths, which I admired greatly regardless of our political differences, would guide the committee toward responsible consensus rather than divisive gridlock, and establish an atmosphere of civil and constructive debate rather than divisive and meaningless partisan rhetoric.

In his 6 years as chairman, and for several years after we switched roles in 1987, Senator THURMOND exceeded my expectations in every way. While the Judiciary Committee did indeed go through some heated debates and contentious hearings—weathering the kind of controversy which I have seen poison the well for other committees for years afterward—Senator THURMOND and I worked together to ensure that the committee's business, the Nation's business, would go forward once the day was done. That would not have happened had it not been for the strength of character of our chairman.

First and foremost, STROM THURMOND is an absolute gentleman, unfailingly courteous and respectful of each individual's dignity. Throughout a lifetime spent in the political arena, he has never forgotten that those who disagree with us are nonetheless entitled to being heard out and treated with dignity. Indeed, that is an important reason that his lifetime in politics has been such a long and productive one.

Here in the Senate, and—as I have seen firsthand—back home in South Carolina, STROM THURMOND's honesty and integrity are the hallmark of his public and private reputation. His word is his bond, and each of us—even the most partisan of political opponents—knows that through the heat of political debate, regardless of the intense pressure that may be upon him, STROM THURMOND can be trusted to keep that word; not when it's politically possible or expedient, but always.

Here in the Senate, our integrity is, ultimately, our most valued possession, and Senator THURMOND is a living example of the value of personal integrity.

Throughout our service on the Judiciary Committee, "The Chairman", has distinguished himself by his commitment to absolute fairness; to Republican and Democrat, political ally and philosophical opponent, alike. During the years when I held the gavel—and STROM will always be "The Chairman" to me—I tried to match the example of fairness that he set. Indeed, it is a legacy which I hope every committee chairman—and every senator—now and in the future, can strive to follow.

Long before he was a committee chairman; indeed long before he came to the Senate so many years ago, STROM THURMOND was the consummate public servant, dedicated to the proposition that the political system is not an end in itself, but an arena for doing the public good. To that end, he has been committed to getting things done; to meeting the challenges facing our Nation and our people; and to accomplish those goals regardless of partisan politics. Though he holds the record for the Senate's longest filibuster, STROM THURMOND is a doer rather than a talker, and his long list of accomplishments here in the Senate is a testament to his determination to serve the people of South Carolina and this Nation.

"Patriotism" is a word that is used often in the course of political debate, sometimes by those seeking to further nothing more than their own personal or political agendas. But patriotism has always been at the core of STROM THURMOND's being, whether in the fields of Normandy or in the Halls of the United States Senate. Senator THURMOND has epitomized the notion that patriotism is neither an outdated value nor a term for scoring political points; but a living principle that challenges us daily and refuses to let us rest on our laurels when it comes to doing the public good.

Today, we commemorate Senator THURMOND's record-setting tenure here in this body. In recent weeks, because I am his friend in spite of our ages and differing political philosophies, I have been asked numerous times to explain the secret to his long tenure. The truth of the matter is that—in addition to the fact that he is a testament to healthy living—the secret to STROM THURMOND's political longevity lies, not with his considerable political skills or with any local anomaly in South Carolina, but deep within STROM THURMOND himself.

It lies in his strength of character, his absolute honesty and integrity, his strong sense of fairness, and his commitment to public service. None of those things are skills which you learn; they are qualities deep within you which, when people know you well, they can sense. That is the secret to STROM THURMOND's success.

STROM THURMOND's ongoing legacy is not the number of years, months, and days he has served in the U.S. Senate. Rather it is his many accomplishments and the good that he has done during those years.

I have been honored and privileged to serve with and work with Senator THURMOND for many of those years. I am proud of the work we have done together on the Senate Judiciary Committee. And I am proud to call him my friend.

Mr. President, I join my colleagues in honoring this important benchmark in Senator THURMOND's long career in public service, knowing that he still has much to give and looking forward to working with him as we confront the challenges of the 21st century.●

Mr. FRIST, Mr. President, on May 25, this Congress made history. On that day, we became the Congress to have the longest sitting Senator in the history of the United States. Our distinguished colleague and friend, the senior Senator from South Carolina—STROM THURMOND—set the Senate longevity record, serving his State and Nation for 41 years and 10 months. And like that little bunny, he just keeps going and going and going.

However, as impressive as Senator THURMOND's legacy of service are his record of successes and the example of leadership he has achieved during his tenure. Today he serves as President pro tempore—a constitutional office that places him fourth in line to the Presidency. He has served as chairman of the Senate Judiciary Committee, the senior member of the Veterans' Affairs Committee, and he now serves as chairman of our powerful Armed Services Committee.

Senator THURMOND has been elected to eight consecutive terms since winning his seat as a write-in candidate back in 1954.

We know of his breadth of experience: teacher, soldier, lawyer, judge, administrator, Governor, and even Presidential candidate; and we have been inspired by his example.

We see in his life the values and possibilities that still distinguish our great Nation. Small town virtues, selfless service, a sense of duty—roots buried deep in lifelong membership in the local Mason Lodge, the Lion's and Rotary service organizations, the community church and hometown businesses. These all give STROM an authentic quality—a richness of character—an accessibility that's felt even by those who don't know him as well as we do.

I cherish STROM's friendship. I count myself fortunate to have served the many years I have served with this great Senator, and I can say that I know of no one in this Chamber who doesn't look to him as I do—as a friend. And when you think about it, Mr. President, that's quite a remarkable thing to say about a man who started his political career when Calvin Coolidge was in the White House.

During this special time—as Senator THURMOND continues to bring distinction to himself and to the U.S. Senate through his historic service—I want to be counted among those who recognize and appreciate all that he has offered to South Carolina and to the United States of America.

Mr. KENNEDY. Mr. President, it is a privilege to join in these tributes to our distinguished colleague, Senator THURMOND and his extraordinary record of service to the people of South Carolina and the Nation.

In a very real sense, Senator THURMOND is the Cal Ripken of the Senate. He has set a record of longevity in the Senate that few if any of us ever thought would be broken. His service to the Senate extends over four decades, and we honor him today for that remarkable record of success in public service and his enduring commitment to the Nation's highest ideals.

Senator THURMOND and I have served together for many of these years on both the Judiciary Committee and the Armed Services Committee. He was chairman of the Judiciary Committee for 6 years in the 1980's and the ranking Republican on the committee for many other years, and he was always impressive and fair in dealing with all aspects of the committee's work.

Although we have often disagreed on the issues, we have also worked closely together on many important challenges. I think particularly of our decade-long effort together on the Judiciary Committee to achieve Federal criminal law reform, especially with respect to laws on bail and sentencing. Our success in that important effort is an excellent example of the ability of Democrats and Republicans to achieve common ground and deal effectively with major problems facing the Nation.

In recent years, when South Carolina bore the brunt of the tragic epidemic of church arsons, Congress enacted bipartisan legislation to deal with these shocking crimes, and Senator THURMOND played a vital role in obtaining the resources needed for an effective response.

We have also worked closely on a wide range of immigration and refugee issues on the Judiciary Committee. His leadership was indispensable for the enactment of the landmark Refugee Act of 1980—the Nation's first comprehensive refugee law. its passage would not have been possible without him.

Senator THURMOND has also dedicated his life, both in and out of the Senate, to protecting our national security, and I welcome this opportunity to pay tribute to his personal courage, heroism, and patriotism. Even though he was a sitting circuit court judge in South Carolina, he did not hesitate to enlist in the Army on the very day that the United States declared war against Germany in 1941. He served in Europe with great distinction, parachuting into Normandy with the 82d Airborne Division during the D-day invasion. He earned five battle stars and numerous other medals and awards, including the Legion of Merit, the Bronze Star, and the Purple Heart.

Like President Kennedy, he is a member of the generation that went to distant lands to preserve America's freedom in World War II, and his public service here at home has been dedicated to preserving that freedom ever since.

As a member and now chairman of the Senate Armed Services Committee, he continues to demonstrate his strong commitment to providing our Armed Forces with the equipment, training, leadership, and quality of life that they need to make the Nation's military the world's finest.

On this auspicious occasion, I commend Senator THURMOND for his leadership and statesmanship and unparalleled record of public service, and I extend my warmest congratulations to the Senator and his family. I value his friendship, and I look forward to continuing to work closely with him in the years to come.

Mr. CHAFEE. Mr. President, I am delighted to join in congratulating Senator THURMOND on attaining the distinction of being the Nation's longest serving U.S. Senator.

Since coming to the Senate a little over 20 years ago, I have respected Senator THURMOND's abilities, admired his tenacity, valued his judgment, and treasured his friendship. He is an inspiration to all of us, not only because of the length of his service, but because of the quality of his work and the depth of his commitment.

All of us marvel at the sheer duration of STROM THURMOND's tenure in the Senate—42 years. But we congratulate him today not only for his longevity, but for dedicating most of his adult life to public service. As a school teacher and a coach, as an attorney, as a soldier who participated in the D-day landing at Normandy, as a State senator, as a circuit court judge, as Governor of South Carolina, and as U.S. Senator, STROM THURMOND has repeatedly sought out opportunities to serve his community, State, and Nation.

And, due to his reputation for hard work and effective leadership, the people of South Carolina have repeatedly demonstrated their confidence in him—a degree of confidence among the voters that all of us aspire to but few achieve.

Senator THURMOND's unflagging vigor is evident to anyone who shakes his hand—his handshake is firm and formidable. All of us hope and expect that he will stay in the Senate until he reaches the age of 100 and beyond.

Mr. ROBERTS. Mr. President, it is both an honor and a personal privilege for me to join my colleagues and rise today to pay tribute to a great Senator, a great patriot, and now the longest-serving Senator in our Nation's history, the most distinguished Senator from South Carolina, STROM THURMOND.

Mr. President, the challenge for one trying to capsule this great American's service to South Carolina and our Nation is considerable. All Americans, however, should be encouraged—and I certainly encourage them to do this—to access Senator THURMOND's home page and discover the truly remarkable and unprecedented achievements of this man.

Mr. President, it has become very commonplace in public service today, especially in this city, to refer to individuals of accomplishment as "great Americans." And in some respects it is so commonplace that the term has even been overused, and sometimes even in humorous fashion. But that is not the case with Senator THURMOND who has been and is truly a great American in every sense of the word.

This man has 27 honorary degrees to go with his BS degree from his beloved Clemson University. He has been a superintendent of education, a judge, a decorated veteran and hero of World War II, and he earned 18 decorations, medals, and awards. He has been a Governor of the Palmetto State. He has been a candidate for President, the first person ever to be elected to a major office on a write-in, a leader within three—not two—three political parties. And, obviously, he is our President pro tem of this body, and continues to serve as chairman of the Armed Services Committee providing continued leadership in behalf of our military and national security and the individual freedoms we all enjoy and also take for granted.

If you think about this man's career, and as many of our colleagues across the aisle have said, regardless of issue or politics, it is unequaled, it is basically unparalleled.

Mr. President, the other challenge in paying tribute to Senator THURMOND is what to say that has not already been said by his many friends, his constituents, his family, and his colleagues.

But having said that, I do have a rather unique relationship with the Senator. I am sure that my colleagues have all heard of fathers-in-law and mothers-in-law and brothers-in-law. Well, I am proud to say that I am a Thurmond staff-in-law.

The number of South Carolinians and others who have worked for the Senator in various capacities number in the thousands. We could accurately call them "storm troops for STROM." And one of those former staff members is my wife, Franki, who worked for the Senator back when I first came to Washington as a new administrative assistant to then-Senator Frank Carlson of Kansas. As a matter of fact, it was STROM THURMOND who told me about all of the South Carolina magnolia blossoms who came north and whose charms attracted future husbands, always to return to South Carolina. Put another way, Senator THURMOND said, "You can take the girl out of the South, but not the South out of the girl." And that is what happened to me, a Capitol Hill romance if you will, a South Carolina wedding, and in our family a Kansas-South Carolina compromise, always to South Carolina.

So while many in this body have thanked the Senator for many deserving contributions and accomplishments, mine is somewhat unique.

Thank you, STROM, for introducing me to my future wife and the mother of my three children, David, Ashleigh, and Anne-Wesley. All three, by the way, are STROM THURMOND fans, having met the Senator many times and sharing occasions with his family. In that regard, my wife Franki counts Mrs. Thurmond, Nancy, as a very good and a close friend as well.

As a matter of fact, Mr. President, while I was really jotting down my remarks that I am making today, I noted with nostalgia that my Senate office overlooks the Methodist building that has served as home for many young women when they first work on Capitol Hill when they first come to Washington. When my wife, Franki, looked out that window, we both noted in some respects our family had come full circle. Her desk in my office looks out on her first home in Washington.

Again, thank you, Senator STROM THURMOND.

I might add, Mr. President, with the privilege of serving in this body I have finally achieved status in the Thurmond universe. I am now Senator ROBERTS instead of that Congressman who married Franki.

And now, Mr. President, what with all of the Senator's friends having paid

tribute to him, what they really said in their many deserving tributes to Senator THURMOND is that the Strom Thurmond family has come first. Every time I see the Senator he comes up to me with that smile and that twinkle in his eye and, yes, that firm grip that many of my colleagues have described on my arm—and it is a firm grip—and he asks, "How's your family, your lovely wife and your family?" And he means it. He cares.

One of our treasured scrapbook pictures captured STROM all dressed up as Santa Claus some years back with his staff and his and their families. And there we sit in the front row with all of the kids and the proud parents. To me, that picture is STROM THURMOND, and enlarged it could just as well be a picture of his beloved South Carolina, or this great Nation, for South Carolina and America are his family as well, and he has served them well.

Senator THURMOND, a colleague, friend, patriot, and, yes, a great American, thank you for your continued service. It is a privilege to serve with you.

Mr. President, I yield the floor.

Mr. ENZI. Mr. President, as one of the newly elected freshmen it is a great honor and a privilege to have this chance to extend my congratulations and best wishes to the president of the senior class—STROM THURMOND. A term of service that began on December 24, 1954, now enters the record books as the longest, and one of the most distinguished terms of service, by any Senator.

Over the years, we have all witnessed STROM THURMOND's great successes in the Senate and back home in his beloved South Carolina. I think I have found the secret to his success, and I would like to share it with my colleagues. Simply put, STROM THURMOND listens to his constituents—otherwise known as voters—and he hears what they have to say. Then he brings that South Carolina brand of common sense back to the Senate as we tackle those thorny issues that come to our attention in committee and on the floor. STROM THURMOND has been doing that for over 40 years now, and it is clear that the people of South Carolina like his style.

Anyone who has any doubts about STROM THURMOND's popularity back home need only check the record. There is no greater gauge of the strength of anyone's support in his or her home State than to see how you fare at election time. Again, STROM THURMOND has sole possession of the record for he is the only one who has ever been elected to the Senate on a write-in vote. Simply put, the people of South Carolina love him as much as he loves them. That is why they keep sending him back.

Still, STROM THURMOND is not being celebrated and toasted by all of our colleagues because of his longevity alone. We take notice of his many years of service in the Senate, but we also make mention of our great appreciation of the wisdom, insight, and determined effort STROM THURMOND brings to the work of the Senate every day.

Oliver Wendell Holmes once wrote a letter to Julia Ward Howe on the occasion of her 70th birthday. In it he said, "To be seventy years young is sometimes far more cheerful and hopeful than to be forty years old."

As we mark STROM THURMOND's legacy of service in the Senate, I think it is clear that no one is younger in spirit, more cheerful in attitude, and more hopeful for a better future for our children and grandchildren than STROM THURMOND.

It is an honor and a pleasure, as the Senator who sits on the 100th rung on the current seniority ladder, to take this opportunity to congratulate the Senator on the top rung, STROM THURMOND, as he hits No. 1 one on the all time seniority list.

From this day forth STROM THURMOND will set a new record every day he comes to the Senate. He has been a powerful and effective voice for his constituents. May he continue to do so for many years to come.

Mr. KYL. Mr. President, today I rise to honor a great American and Senator, STROM THURMOND of South Carolina. The occasion for this tribute is STROM THURMOND's remarkable achievement of becoming the longest serving Member of Congress in history, surpassing the record held by Carl Hayden of Arizona.

This historical milestone gives each of us an opportunity to publicly applaud Senator THURMOND, but it is not the reason for our praise today. The reason I am pleased and honored to pay tribute to Senator THURMOND is that he is a great man and patriot who has served his State and his country faithfully in times of war and in times of peace.

Senator THURMOND has had a remarkable life. When I reflect on some of the positions he has held in his career, including: attorney, superintendent of education, State senator, judge, Governor, Army officer, Presidential candidate, and U.S. Senator, I marvel at the skill, determination and dedication that was required to achieve each of these goals. Most men would be satisfied with just one of these many careers. Not STROM THURMOND. He was on a mission to serve the American people. That mission kept pushing him to strive higher and farther in his lifetime of public service.

I came to know STROM THURMOND through my work on the defense committee in the House of Representatives. I know Senator THURMOND is a very capable legislator in many issue areas. I now serve with him on the Judiciary Committee, for example, and can attest that he is a most capable attorney. I also know that the people of South Carolina are enormously proud of him for all the good work he has done for their fine State. From my perspective, there is one area in which I believe Senator THURMOND has stood out and has made the greatest contribution—as an active member of the Armed Services Committee.

STROM THURMOND deeply loves his country. This is apparent in even little things such as the American flag lapel pin he often wears. Or in vivid examples like volunteering for service in World War II when he was in his forties. Today, Senator THURMOND demonstrates his strong affection for America and the men and women in uniform by having the courage to take unpopular positions to protect the defense budget and to ensure adequate training and equipment for the Armed Forces. As chairman of the Armed Services Committee he has presided over tumultuous times in the military. The end of the cold war and the social reengineering of the military have made it a challenge to preserve military readiness. But, Senator THURMOND has tried. He deserves much of the credit for preventing our Armed Forces from becoming a hollow Army. As Adlai Stevenson once said, he did this "Not [through] a short and frenzied outburst of emotion, but with the tranquil and steady dedication of a lifetime."

Upon his retirement, Carl Hayden said "I have always dreamed of power and the good I could do." STROM THURMOND, I believe, has the same motivation. He has not wanted material things or glory, but has simply done the best he could to help those who needed help. Carl Hayden could not lose his longevity record to a finer man.

I remember a recent visit to Senator THURMOND's office where I was greeted by an impressive gallery of presidential pictures, beginning with Franklin Roosevelt. He told me that these pictures are of Presidents with whom he has served. It was then that I absorbed the magnitude of the impact of the Thurmond legacy on history. STROM THURMOND has been involved in every significant event that touched Congress or the Presidency in the second half of the 20th century. Very few people can say that, Mr President.

STROM THURMOND was a good soldier and good citizen. His high standard of allegiance has enriched our national consciousness and has sustained a sense of purpose and patriotism all across America. I believe history will remember him not for his age or longevity in the Senate, but for his contributions to improve the well-being of his beloved America.

Mr. LAUTENBERG. Mr. President, it is not often during the course of our

busy days here in the Senate that we take time to recognize one of our colleagues for their individual accomplishments. Today, however, we are doing so on the occasion of STROM THURMOND's history making event of having served longer in the U.S. Senate than anyone since the founding of our country. I join with my colleagues in paying special tribute to Senator THURMOND, the Senior Senator from South Carolina, on this noteworthy day.

On May 25, Senator THURMOND became the longest serving Member ever in the Senate's 208-year history by serving more than the 41 years and 10 months Senator Carl Hayden served between 1927 and 1969. Senator THURMOND's longevity in Senate service is truly remarkable because, in addition to length of service, he has been deeply commited to providing leadership in the Armed Services Committee and as the President pro tempore.

Senator THURMOND has worn many hats during his distinguished career in public service, which began well before he was first elected to the Senate in 1954. As a school teacher, State senator, judge, World War II veteran, D-day fighter, and Governor, Senator THURMOND's service to our country is very likely unparalleled. In the Senate, STROM has been an indefatigable fighter on behalf of his State of South Carolina and has demonstrated enormous tenacity in championing our national defense and veterans causes. His enthusiasm in all that he does is truly unmatched.

Mr. President, although Senator THURMOND and I may not always see eye to eye, I respect his integrity, his consideration of others, his love of country, and his deep sense of responsibility to public service. His service will have a lasting impact on this institution's history because of the policies he promoted, the high standards he set for us, and the lessons he taught so many of us about the will to carry on no matter the obstacle. He fought against the most painful of tragedies by trying to make sure others were spared the grief he endured. I look forward to continuing working alongside him for many years to come and hope to witness his service at his personal century mark.

Mr. CAMPBELL. Mr. President, today I am privileged to honor my friend and colleague, the distinguished Senator from South Carolina, STROM THURMOND. Today we salute Senator THURMOND, who becomes the Senate's longest serving Member.

It only seems fitting that I should be allowed to speak in his honor today. Several years ago our roles were reversed, and the distinguished Senator was thanking me. Now I would like to return the honor and thank him for his years of leadership. When Senator THURMOND was jostled in the subway 2 years ago, I used my years of police training to come to his aid and help the police to handcuff his assailant. Fortunately, no one was hurt. The incident led to a friendship between the Senator and me that I very much enjoy.

Now we are all here to recognize the achievements of Senator THURMOND and commend his years of dedicated leadership and service. The senior Senator from South Carolina has used his skill and knowledge to serve the Senate and provide direction for over 43 years.

Senator THURMOND has provided strong leadership in this institution, both on the floor and in committee. He has drawn from his own personal knowledge from his decorated service in World War II to contribute to and lead the Armed Services Committee and the Veterans' Affairs Committee.

In 1942, Senator THURMOND joined the U.S. Army, and was among those brave young men of the 82d Airborne Division who landed in Normandy on D-day. For this service, he was awarded 5 Battle Stars. After earning 18 decorations for outstanding service in World War II, Senator THURMOND has maintained his dedication to war veterans throughout his years in the Senate. Senator THURMOND represents a wealth of institutional knowledge and history.

Senator THURMOND's tenure has spanned a number of tumultuous decades, from the end of World War II, through the turmoil of the Vietnam war, to the end of the cold war, to this year, when the Congress finally agreed to a balanced budget. Through it all he provided the strong leadership which we are here to honor today.

It gives me great pleasure to recognize our esteemed colleague as he becomes our longest serving U.S. Senator. Congratulations, STROM THURMOND, on making history as well as being a major part of our Nation's history.

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

The PRESIDING OFFICER (Mr. FAIRCLOTH). The Chair recognizes the Senator from North Carolina.

Mr. HELMS. Parliamentary inquiry. I understand there is a unanimous consent that these proceedings paying our respect to the distinguished Senator from South Carolina are to continue until 12:30. Is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HELMS. I want to defer to the Senator from Florida. But before I do, I ask unanimous consent that, notwithstanding the previous unanimous consent, when these proceedings are completed and before we recess for the policy meetings of the two parties, that I be given 10 or 12 minutes to speak on a joint resolution that I am introducing.

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

Mr. HELMS. I thank the Chair.

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

Mr. MACK. Mr. President, I thank the Chair for the recognition.

I, like my colleagues, have come to the floor of the Senate today to express my fond feelings for Senator THURMOND, the Senator from South Carolina. As he is fond of saying about so many of us that he campaigns for, he is a man of character. He is a man of capacity. And I would add that he truly is a man who cares about his fellow man.

Senator STEVENS said a moment ago that Senator THURMOND is someone we can all learn from. I can tell you as a fellow who was running, campaigning for the Senate in 1988, Senator THURMOND volunteered to come to Florida to campaign for me. One of the things he said prior to making that commitment was that "if I come, I want to be busy. I do not want to come down there for just one or two events. I want to come down there, I want to be busy." We picked him up at about 5:30 in the morning and we finished that day about 10 o'clock at night. We traveled from Jacksonville, FL, down through the center part of the State, to Lakeland and Tampa, and then an event close to Winter Haven that evening, never missing a beat.

And again, I say I learned not just about campaigning but I truly learned about the heart of the man because about halfway through the day there was a press conference set up. He asked me if he could make a phone call before we did that press conference. And, of course, I said sure. And as I stood by him I realized what he was doing. He was calling a family in South Carolina that experienced the loss of a family member. Here is this man who has been elected and reelected and reelected and reelected, and loved in South Carolina in the middle of a tough day campaigning taking a moment out of that busy schedule to reach out to that family in South Carolina to say we understand your concern, the pain that you are feeling, we are concerned about you; I am concerned about you. Your family member was a great, great person; he meant so much to me.

Can you imagine the sense of love the family felt that day. If anybody ever questions why Senator THURMOND has been elected and reelected and reelected and reelected, it is because he is a man who truly cares about others, whose heart is filled with love.

I came to the Senate 9 years ago, and in a sense Senator THURMOND acts as a bridge between one generation of my family and myself. My step-grandfather retired from the Senate in December 1952, and Senator THURMOND, if I have that correct, was sworn in to the Senate in the next Congress, and so he served in that interim period of time

between the time that my step-grandfather retired from the Senate and I came to the Senate.

What an inspiration he has been to me. Frankly, Senator THURMOND, you have created a new dimension of what service to this country is all about. You have created a new dimension about service to the Senate. A moment ago I heard Senator STEVENS talk about a strong heart, and it triggered in my mind that in essence, Senator THURMOND, you are a modern day brave heart, and it is has been a true honor to serve with you in the Senate.

I yield the floor.

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

Mr. SESSIONS. Mr. President, I am honored to be in this great body and particularly honored today to be able to say a few words from my heart about the Senator from South Carolina. I have no doubt really that I would not be here today if it were not for Senator THURMOND. I first met him—and this is typical of his leadership and commitment to this country—when I was a U.S. attorney in the early 1980's. I had just been appointed. There was a reception the Attorney General of the United States had. He came to that reception and stayed 30 to 40 minutes. As chairman of the Judiciary Committee, he stayed and he met every U.S. attorney in attendance that night before he left. That demonstrated to me his commitment to law and order.

Many people have talked about his leadership with regard to military matters, and they are certainly legendary and unsurpassed in this body. But in terms of law enforcement, he has been an absolutely key figure in the reform of the Federal criminal justice system in America, that makes our Federal criminal justice system today, in my opinion, superior to any State criminal justice system. He did that in many bills, but in the 1984 act he was chairman of the Judiciary Committee that eliminated parole and made every person who is sentenced in America serve the full time they are sentenced, that reformed the bail law so that people could not be out on bail for years before they were ever tried, and many other reforms—the most historic criminal justice reform bill, I am certain, in my lifetime. He was a key player and a leader.

In 1986, I had the pleasure to be a nominee for U.S. district judge. That was not an experience which worked out good for me, but Senator THURMOND believed in me. He fought for me. He stood by me day after day. He refuted the charges that were made that were not true, and he stood by me.

A number of years later, he came to Mobile as a Patriot of the Year. There were 600 people from the city of Mobile there, and he recognized me in the audience. He said good things about me. His support, his friendship, his steadfast commitment to me and to this body was important in my career and I want to say personally how much I appreciate that, Senator THURMOND. It is amazing to me that I have the honor and the privilege to be in this body and to be able to say to you how much I appreciate your support and friendship, to say how much I appreciate your service to your country, as a military leader and as a Member of this body. I know some may think it not politically correct, but I will say this. Senator THURMOND has represented his State with great fidelity and character. He has represented his region as a southerner with the highest of standards as a southern gentleman. He has reflected the qualities of courage and integrity, bravery and commitment to truth that have reflected great credit on his community, his State, his region, his Nation, and this body. I am honored to have the opportunity to say how much I appreciate that.

Mr. President, I yield the floor.

Mr. LEVIN addressed the Chair.

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

Mr. LEVIN. Mr. President, it is a pleasure to join with so many of our colleagues today to honor the President pro tempore of the U.S. Senate and the chairman of the Armed Services Committee. STROM THURMOND achieved another of many historic milestones when he became the longest serving Senator in the history of this institution.

STROM THURMOND had already served on the Armed Services Committee for 20 years when I came to the Senate and joined the committee in January 1979. I knew of him as a passionate and effective advocate for a strong national defense even before I joined the committee. In the 18 years I have served on that committee, I have come to appreciate even more his commitment to the welfare of the men and women who serve and who have served in our Nation's Armed Forces, as well as their families.

It is my privilege now to serve as the ranking member of the Armed Services Committee under the chairmanship of STROM THURMOND. Over the years, one of the hallmarks of the Armed Services Committee has been that we conduct our business with a minimum of partisanship. Our former colleague and chairman, Sam Nunn, was right when he said that there was not a single national security issue facing this country that has been or could be solved by one political party. That legacy of bipartisanship on the Armed Services Committee continues under STROM THURMOND's leadership.

Mr. President, one of the reasons Senator THURMOND has been such an effective leader on national security issues is that all of his colleagues know—and the American people know—that he speaks from the heart and he speaks from personal experience. He served his country in uniform for 36 years. He was commissioned in the Army Reserve even before he began his career in politics. He served 36 years in the Reserves and on active duty before retiring as a major general in the Army Reserve.

In June 1944, Lt. Col. STROM THURMOND landed behind German lines with the rest of the 82d Airborne Division as part of the D-day invasion. As I and so many others watched the 50th anniversary of the Normandy invasion 3 years ago, we gained an even greater appreciation for the lifetime of service to this Nation by someone all of us are proud to call a friend and a colleague.

More than a half century after landing behind enemy lines on D-day, Senator THURMOND continues to carry out his responsibilities as a legislator with a skill and perseverance that are the envy of his colleagues. I recall a time several years ago when STROM THURMOND and I offered an amendment to reform lobbying fees. Our amendment prohibited lobbyists who were lobbying for contracts for their clients from getting a contingent fee. We felt it was wrong for lobbyists to be paid that way and we offered an amendment together. The manager of the bill objected to our amendment. What Senator THURMOND did was to hold back for a couple hours while he talked to all of our colleagues personally. He got 51 supporters for his amendment, and then came back to offer it. That kind of perseverance which we know in Senator THURMOND has paid off in many, many ways for this institution and for this Nation. We are proud to call him a friend and to recognize that kind of capability.

The Democratic Party lost a Senator of great ability when STROM THURMOND joined the Republican Party in 1964. I just want him to know that we would welcome him back on this side of the aisle at any time, this century or next.

Senator THURMOND cares about us as people. I cannot say how many times he has given me advice—and I know this is true of our colleagues—on exercise, on diet, and on other human conditions. I wish I had followed his advice more often.

I will never forget the time early in my Senate career when STROM and I and a few of our Armed Services Committee colleagues were out visiting at a California air base. At about 6 o'clock in the morning I was awakened by people running below. They were talking to each other as they were running. I heard this happen on a few turns of the track and woke up and then would go back to sleep. A couple of hours later when I was at breakfast I said, "Who was that out here running at 6 o'clock in the morning?" I should have known the answer. It was STROM THURMOND.

He has given us advice on how to try to achieve this kind of longevity. He gives us that advice because he cares about us. And I just want him to know that we care about him. We wish him well. It has been a real privilege to serve with him for 18 years, particularly as the ranking member of the Armed Services Committee, and I am proud to call him a friend.

Mr. HELMS addressed the Chair.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

Our distinguished friend and colleague from South Carolina has long been, as the saying goes, a legend in his own time. And because of his hale and hearty good health and his amazing longevity, Senator THURMOND is a legend in the time of everybody else in the Senate. I doubt that there is any one of us whose life has not been touched by the distinguished Senator from South Carolina. He has certainly touched mine time and time again, beginning with that day back in early 1972 when a very brief, speculative item appeared on page umpteen of newspapers around the country saying that a fellow named HELMS might seek the Republican nomination for the Senate from North Carolina.

Early that morning, Senator STROM THURMOND, to my utter delight, was on the telephone calling from Washington urging that I do run and assuring me that if I did and if I wanted him to, he would come to North Carolina and campaign for me. Mr. President, I did and STROM did. As a matter of fact, he did it time and time again. If I count correctly, he flew with me that year, in a very small plane, six times back and forth across North Carolina, telling the people of my State, Democrats and Republicans alike, that they ought to send JESSE HELMS to Washington. I will never forget it.

I remember one episode in particular, since we are all remembering nice things about Senator THURMOND. We were at a farm rally outside of Hickory, NC, after a grueling day of eight stops with that small plane, and he made a stemwinder speech at every one of them. I was getting more and more tired. We ended up at this farm, and there were about 400 people at that rally because they were giving away free barbecue and because STROM THURMOND was there. The barbecue caterer was late. He got lost trying to find the place. So they decided to let Senator THURMOND speak and they asked me to introduce my guest. I was a weary guy when I got up, and I introduced Senator THURMOND with such eloquence as I could muster at that time of night after such a day. Well, there came another stemwinder and the last 10 minutes of the stemwinder, we saw the barbecue truck roll in. Everybody had barbecue and then we went home.

In the car going to the motel I heard the most awful sound I ever heard in my life. He said, "JESSE, when we get to the motel, I want to call my wife. She's in a family way, you know, and I want to be sure she's all right. And, after that, I understand it's about a mile to downtown, would you want to run downtown and back with me?"

I said, "Senator, if I could crawl to the bed, that's the best I'm going to be able to do." But he did. He ran downtown and he ran back and he was up at 6 o'clock next morning.

Thanks to my dear friend, the people did send me to Washington, and I have been here for almost a quarter of a century now, watching that great man from South Carolina serve in the Senate and break record after record. I have been enormously proud of a lot of things. I guess one of the most profound things was when the Senator and Mrs. Thurmond invited me to become the godfather of that beautiful young lady, Juliana Thurmond.

So I am proud to have served with Senator THURMOND. He is a remarkable American because he has always been a hard-working, honest, and reliable Senator. His friends back home—as a matter of fact his friends all over the country—know that they can always count on STROM THURMOND to do what he says he will do. Let me tell you something, Mr. President, South Carolina is far the better off today because STROM THURMOND has been in the Senate representing the State of South Carolina. Moreover, and just as important, the U.S. Senate is better because STROM THURMOND has been here. And so is the country, better off.

Congratulations, my dear friend and Senator, you have been a good and faithful servant, and all of us are proud of you.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Connecticut.

Mr. DODD. Mr. President, I see my other colleagues here on the floor. I, too, wish to rise this afternoon and pay tribute to my friend and colleague from South Carolina. This past Memorial Day, we recognized the significant achievements and accomplishments of many Americans who sacrificed their lives for this country. In a matter of days, we will commemorate the 50th anniversary of the famous speech that Gen. George Marshall gave at Harvard University announcing the Marshall Plan on June 7, 1947. But this past Memorial Day, we also recognized a milestone achieved by our colleague from South Carolina, who became the longest serving Member in the history of the U.S. Senate.

I was recalling the words of another famous American given in a Memorial Day address in 1884. Chief Justice Oliver Wendell Holmes, another great American known for his longevity, said on that day, "Life is action and passion. It is required of a man that he should share the passion and action of his time at peril of being judged not to have lived."

Mr. President, whatever else may be said about our friend and colleague, STROM THURMOND, he is a man of action and passion. That has been the history of his public life. It is a distinguished career that has covered so many milestones, many of which have been mentioned here this morning.

One of his accomplishments which impressed me the most was the fact that at age 41, when a lot of people are preparing to play a round of golf, STROM THURMOND got into a glider and flew behind enemy lines on D-day as a volunteer. It was not required of him. He was not ordered to do it. But at that age he decided this is something he ought to do, to be a part of a major effort to retard one of the greatest threats in history, certainly in the history of this country, to democracy and freedom. A remarkable statement about an individual.

I am also deeply impressed by the fact that he was elected to the Senate under four different banners: as a Democrat, as a Republican, as a Dixiecrat, and, the most impressive of all, as a write-in. The fact that citizens of the State had to go and write his name in, that they had to make the conscious decision to write his name on a ballot—it wasn't just a question of going in and supporting a political party—but for people to consciously go in and write his name on the ballot was truly a remarkable achievement. It is something that I think clearly demonstrates the significance of the affection with which he is held.

Senator THURMOND has had to tolerate many things during his Senate career, not least of which, he has had to put up with two generations of my family. One of the dearest friends my father had when he served in the U.S. Senate was the Senator from South Carolina. In fact, among the dozens of pictures I have hanging in my office's conference room, I have just two pictures with colleagues of mine. One of them happens to be a photograph which I cherish of myself standing with the senior Senator from South Carolina, which he very generously inscribed to me, and he made special mention of my father and their relationship. I am deeply appreciative of the loyalty and friendship which STROM THURMOND shared with my father, who has been gone these many years now, some 27 years. He passed away that long ago. But theirs was a wonderful friendship. They didn't always agree on issues, but they did agree on some matters. They agreed about the great threat that communism and Marxism posed to this

country and stood shoulder to shoulder in that regard. While they disagreed on other issues, there was still a great affection. So today I stand here, not just as a colleague from Connecticut, but on behalf of a family that deeply appreciates the loyalty and friendship that STROM THURMOND has demonstrated over these many, many years.

Let me just conclude because so many other things have already been said which I would endorse and second. STROM THURMOND and I don't always agree on the issues. We agree on some, but not many. But what I love about STROM THURMOND, and what I think America and what the people of his State love about him, is not his particular views on issues that come and go, that pass with the time; these issues that are temporal. What people love about STROM THURMOND, what his colleagues love about him, Democrat and Republican, is that he is a man who, as Oliver Wendell Holmes described, is a man of passion, action and conviction. Whether or not we agree with STROM THURMOND is really not the point. It is so refreshing, at a time when everyone seems to end up sort of muddled, that you have an individual who has deep, deep convictions and is willing to stand alone and defend them even when he is the only person in the room doing so. Even to people who disagreed with him over the years, he ought to stand, as I know he does to our colleagues, as a monument to principle, to individuality, to conviction and to that passion and action that Oliver Wendell Holmes talked about more than a century ago.

Mr. President, I am deeply honored to be able to stand here today. When STROM completes this term, he will be 100. I look forward to standing on the floor of the Senate with him sitting here, celebrating that milestone with him, I hope, as his colleague. The fact that he has been sent back here by the people of South Carolina eight times through all sorts of changes in the political climate in this country is a great tribute to the people of South Carolina. But I think all of them would agree with me when I say it is a greater tribute and higher tribute to the man who represents that State and represents America in so many different ways. I am deeply honored to stand with my colleagues to pay tribute to truly an American original, STROM THURMOND of South Carolina.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WARNER. Mr. President, I am privileged to join my colleagues. First, I ask unanimous consent a statement by the distinguished senior Senator from Maine [Ms. SNOWE] be printed in the RECORD along with these proceedings on behalf of our distinguished senior colleague.

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

(At the request of Mr. WARNER, the following statement was ordered to be printed in the RECORD.)

• Ms. SNOWE. Mr. President, I rise today to recognize one of the extraordinary public figures of our time: Senator STROM THURMOND.

As we know, Senator THURMOND recently became the longest serving Senator in the history of this august institution. His record of service—over 41 years and counting—is unparalleled, and his devotion to South Carolina and the United States is unquestioned. His has been a life committed to this Nation, and a life as rich and varied as the years that have passed since his birth in the fledgling days of this century.

Indeed, the breadth and scope of Senator THURMOND's life is truly remarkable. Born just before the dawn of flight, Senator THURMOND is now chairman of a committee that oversees the world's most sophisticated air force. He has borne witness to an explosion of scientific knowledge, fundamental changes in economics and labor, and tremendous sociological transformations. Most remarkable of all, Senator THURMOND can even remember the last time the Boston Red Sox won the World Series in 1918.

Senator THURMOND has been a full participant in this century of monumental events, and in no way is this more profoundly demonstrated than with his service in World War II. As a member of the 82d Airborne Division, STROM THURMOND was part of the invasion force that stormed the beach at Normandy, France on D-day, and he will forever be a heroic part of these events that changed the course of history. For his courage and valor, he was awarded 18 decorations, medals, and awards—as well as the undying gratitude of America and free nations everywhere.

Before World War II broke out, as a State senator, STROM THURMOND had already begun what would become a lifelong dedication to public service. That commitment came to the national stage for the first time with his run for the Presidency in 1948—almost 50 years ago—when as an independent candidate he garnered the third largest independent electoral vote in U.S. history. Six years later, he became the first person ever elected as a write-in candidate for the U.S. Senate.

The rest, as they say, is history—history that is still being written every day by this remarkable and enduring man. The true iron man of the U.S. Senate, his energy, enthusiasm, and love for this institution is as inspirational to me as I know it has been for countless Members of this body—past and present. Here is a legislator whose labor of love is performed against a backdrop of institutional knowledge and historical perspectives unequaled among his 534 colleagues in Congress. One cannot place a value on such service. One can only express their respect and profound appreciation.

That is why I feel privileged to be able to join with my colleagues in recognizing the extraordinary story that continues to unfold. And why I am especially honored to serve with Senator THURMOND on the Armed Services Committee. As a new member of the committee, Senator THURMOND has made me feel most welcomed and valued, and for his wise guidance I am most grateful. After all, he has been an integral part of the committee through change and crisis, cold war and détente, conflict and peace.

The defense of this Nation and our responsibility in the world have always been of paramount importance to Senator THURMOND. He understands that we must remain vigilant even as the demise of the Soviet Union has left America as the world's last remaining superpower. Senator THURMOND has seen enough of the world to know that it remains, in many ways, a dangerous place—and that we are uniquely capable and indeed obligated to stand guard against the potential threats which still exist. And most of all, he knows first hand the importance of providing to our service men and women—people willing to put their lives at risk for this Nation—the best possible personnel, equipment, and resources so that their risk is as low as we can humanly make it.

As a member of the Judiciary Committee, he has brought his breadth of experience and his reasoned voice to bear on such issues as immigration and crime. And when it comes to the matter of ethics, Senator THURMOND has always stood strong and tall for the forces of integrity, supporting limits on how much Senators can earn outside the Senate, and bans on lobbying for foreign countries by former Federal officials to name but a few of his initiatives in this regard. His commitment to the honor of the Senate and the confidence of the American people has been unflagging for over four decades, and that is a record of which he can be proudest of all.

It is no wonder then that his Republican colleagues would elect him to be President pro tempore of the Senate. As one of only three constitutionally established officers in Congress, it is a position of tremendous respect and trust accorded only to those who have demonstrated an unwavering adherence to the finest ideals of public service and the U.S. Senate. I can think of no finer or more appropriate choice than Senator STROM THURMOND, and I am proud that he has come to embody this institution.

Throughout this storied career—whether as a superintendent of education, circuit judge, State senator, Governor, or U.S. Senator—Senator THURMOND has never forgotten the people of South Carolina. It is where his

heart is, the place from which he draws his strength. And he is in turn beloved by South Carolinians—just ask the folks at the Strom Thurmond Soldier Service Center in Fort Jackson; the Strom Thurmond Educational Center in Union; the Strom Thurmond Federal Building in Columbia; or, most telling, the Strom Thurmond Center for Excellence in Government and Public Service at Clemson University. They know that the senior Senator from South Carolina has been a strong, steady, consistent voice for them. And they know he will always be so.

Senator STROM THURMOND exemplifies a life worth living: courage, enthusiasm, service to others, a willingness to learn and grow, and a deep appreciation of the opportunities this life—this country—offers. The mark that he is leaving on the U.S. Senate is a positive and enduring one, and I am proud to serve with Senator THURMOND as he continues to make history.•

Mr. WARNER. Mr. President, much has been said, and I have listened with great interest, as have others. I could summarize my brief remarks in two words: Thank you. Thank you, Senator THURMOND, for your service to this country, for your service to South Carolina, for your service to the Senate, and for the privilege, I thank you, Mr. THURMOND, of being a colleague who has served with you these 18 years.

Senator THURMOND was the first U.S. Senator to greet me when I came to the U.S. Senate. We had known each other because I had the privilege to serve for 5 years as Under Secretary and Secretary of the Navy and testified before the great Senator on many, many occasions and received his counsel and wisdom during those really tragic and difficult times of the Vietnam war, from 1969 through 1974. He encouraged me in that period of time to someday seek elective office. I counseled with him, and, indeed, I am here today in part because of his wisdom and foresight to encourage young persons like myself, men and women, to come and serve in the Congress of the United States.

Thank you, Senator. Thank you for the opportunities that you have given me, and I would like to say, and maybe selfishly, thank you for a great deal of personal attention. When I joined the Armed Services Committee in my first year in the Senate, there were four individuals on that committee referred to as the Four Horsemen. There was John Stennis, there was Scoop Jackson, there was John Tower, and there was STROM THURMOND. Those four individuals together, in many respects with others—I do not mean to slight anyone not mentioned—but those Four Horsemen struck the maximum possible bipartisan relationship because of their sincere belief that the interests, the security interests, of the Nation always came first and such partisanship as we indulge in from time to time has to be relegated to second.

It was his leadership on our side—in the committee, seniority, of course, prevailed. When it came time for the opportunity for Senator Tower to take the leadership role of the Republicans, STROM THURMOND once again yielded the seniority so that Senator Tower could have that very proper recognition and give the strong leadership that he did—followed by Senator Goldwater. Likewise, Senator THURMOND yielded the seniority that was rightfully his so that Senator Goldwater, one of his closest and best friends, could have that opportunity. Then I say quite humbly, he yielded again so the Senator from Virginia, for 6 years, could be the ranking member.

But it was always made clear to every member of that committee that, at some point in time, STROM THURMOND would cap his distinguished career by serving as chairman of the Armed Services Committee of the Senate of the United States. That he has done for these many years and given that committee the forceful leadership that it deserves.

Indeed, the last bill last year, he set a record in terms of the time to complete the committee work and to bring the bill to the floor. How well I know because it was late into the night we had the markup sessions. But he was always there, always present, and giving us his leadership.

If I may say, with the deepest of respect, I look upon him as a brother, the big brother that I never had, but he fulfilled that role in my life, not only here in the Senate, but in many ways outside of the Senate.

Today, Senators have shared personal recollections of times spent with STROM THURMOND that they remember with great fondness and respect. Mine was the 40th anniversary of the landing of our forces on Normandy Beach. Senator THURMOND was asked by President Ronald Reagan to lead a delegation from the Senate. I was privileged to be with that delegation.

I remember as if it were yesterday when we arrived in Normandy, President Reagan had helo No. 1, Senator THURMOND had helo No. 2. He sat right up there with the pilots. For 3 days we toured the entire area. I remember one afternoon the helos landed in the vicinity of Sant Mera'anglis where they reenacted that famous drop by our courageous parachutists in the history of recounting the tragedy that befell those airmen that parachuted.

But we sat there with three of the senior officers that participated in that battle. I remember one very vividly. His name was "Lightning" Joe Collins. We sat on old ammo boxes propped up and watched the drop. Senator THURMOND recalled his own recollections throughout our trip of that historic chapter in the march for freedom of the allied forces to fend off Adolph Hitler.

Senator THURMOND's helicopter, when we went back, malfunctioned and we could not take off to go to the next spot. So the President went on, and they sent in another helo. Senator Weicker, who was with us, knew a great deal about that part of the country of France because his father had been chief of the Army Air Corps intelligence. Senator Weicker said to me, "Let's not stand here and wait for this other helicopter to come in. Let's walk off into the countryside, and perhaps we can knock on the door of a French farmer and get a little cheese and a little wine." We did just that. We found in abundance the provisions among the Frenchmen. All of a sudden the Senator's helicopter arrived, and two of his party were missing. He sent out the gendarmerie to find us, and indeed they did, and they hauled us back. What a scolding he gave us for delaying his departure by some 20 minutes. But, boy, we emboldened ourselves with the finest from a French cellar of their wine and their cheese.

Those are just moments that we have shared together. And now I look forward to serving with him throughout his career here in the U.S. Senate and particularly sharing with him, as do all members of our committee, the responsibilities to keep America strong.

I close with one other recollection. That is his great fondness for children, not only his own, but he never fails to ask me about mine. As I watch him go through the Halls of Congress, there is one Senator who will stop and take whatever time is required to greet every child. His parting words are, "Someday you can be a U.S. Senator."

I yield the floor.

Mr. MURKOWSKI addressed the Chair.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I have listened to some of my senior colleagues reminisce on their relationships with our good and dear friend, Senator THURMOND from South Carolina.

As a new Senator coming into this body in 1981, I recall my first meeting with Senator THURMOND. It was in the elevator. I felt a very firm, strong grip on my upper arm. As I turned around, he said, "How you doing, Son?" I think, without exception, every time I have been in the elevator with Senator THURMOND I have had that tight squeeze—"How you doing, Son?"

So it gives me great pleasure to join my colleagues in honoring our dear friend.

May 25, 1997—the longest serving U.S. Senator in our Nation's history, a remarkable individual who has unselfishly dedicated his entire life to the service of others.

Being from Alaska, the newest State in the Union, a State that has only

been around for about 39 years, I have found Senator THURMOND to be most understanding of our issues with regard to development. He comes from the school that suggests that those who are elected from their State ought to have a pretty good handle on what is in the best interest of their State. I think his logic follows that, if the folks back home think otherwise, well, they are going to get new representation. I have respected him for his support these 17 years that I have been in the Senate.

Perhaps one of the most memorable and lasting recollections I have of Senator THURMOND is during the years when I was chairman of the Senate Veterans Committee. You know Senator THURMOND, as it has been stated, landed behind enemy lines in a glider. He was a volunteer. That was the Normandy D-day invasion of the 82d Airborne Division. But he went on to earn 5 battle stars during World War II, 18 military decorations during his distinguished military career. He was made a major general of the U.S. Army Reserves. In working with him during the years on the Senate Veterans' Committee, I found him to be the most significant contributor toward the recognition that we can never do enough to meet our obligation to our veterans, those who did so much and gave so much.

But his balance was that while we can never do enough, we have to do a better job with what we have to keep up with the changing needs of the veterans and do more and get more input from the veterans' organizations and accepting the responsibilities associated with our obligation to meet our veterans' needs. He has been honored many times by various veterans groups for his contribution.

But I particularly look back to the days when we worked together in meeting our Nation's obligations to our veterans and his contribution in that regard.

I think one of the interesting things, in recognizing the contributions Senator THURMOND has made and continues to make, is his humble beginning as a teacher. He has taught us all, but he began his teaching career back in South Carolina in 1923. He wrote the South Carolina school attendance law. He worked hard to increase pay for teachers and longer school terms. I think it is noteworthy that even today he sends congratulatory certificates to every graduating South Carolina high school student.

Senator THURMOND continues to teach us today, and he will again in the next century. He has really taught us all in this institution.

I am honored to call him a friend. I am pleased to rise today in tribute to this great man, this great American, who has become synonymous with this great institution.

Senator THURMOND, we honor you, and we are particularly appreciative of your leadership and teaching which has served us all. Thank you, my friend. I look forward to our continued relationship.

I yield the floor.

Mr. ABRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. ABRAHAM. Mr. President, I ask unanimous consent to speak briefly, prior to Senator HELMS speaking, with regard to Senator THURMOND.

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

Mr. ABRAHAM. Mr. President, thank you very much.

I am happy to be here today. My plane arrived on time, which I was a little nervous about because I was afraid I would miss the opportunity to join our colleagues in talking about the great Senator from the State of South Carolina to whom we pay tribute today and whose recent accomplishment of becoming the longest serving Member of this Chamber is one we all, I think, celebrated from a distance a couple of days ago.

When I was elected to the Senate in 1994, I found myself, after the election was over, given the first chance really to reflect on what it meant to serve here and the people that I would have the chance to serve with. I think during an election campaign you only focus on the issues and the opposition and the campaign. But when it was finished, I was able to think about the remarkable chance I was going to have to come to this Chamber and be a part of a Chamber filled with so much history and have the opportunity to serve with such a distinguished Member as is the Senator from South Carolina and the Senator from North Carolina and others who have been here and who have made their marks.

No sooner did I arrive—I was listening to the Senator from Alaska describe his first meeting with Senator THURMOND. In my first meeting with him, I was amused because he came up and said he was stunned that anybody like me could get elected from the State of Michigan. I remember when he said that, I was thinking that he was taking note of the fact that I was the first member of my party to win in that State since 1972, and his recollection of how long it had been since a Michigan Senator from my party had been elected made me feel pretty pleased that I had become known to him and that he had taken note of my success.

I was then delighted when, as a consequence of the committee selection process, I was able to secure a seat on the Judiciary Committee, which gave me an opportunity to serve directly with the former chairman of that committee, who had distinguished himself in that role. Indeed, some of the former staffers of that committee now live in my State, and we have had the chance to reminisce about some of the various accomplishments that took place when Senator THURMOND chaired the Judiciary Committee.

Then, indeed, as all the Members who have already spoken have acknowledged, his leadership both in his State prior to his election to the Senate and since coming here in a variety of areas, ranging from the defense of this Nation to the role he has played in the judiciary process and in fighting to combat crime and lawlessness are all signs, of course, of somebody who has made this country stronger because of his presence in this Chamber.

I want to single out, though, one particular incident that I remember very vividly, and it showed me the other side of Senator THURMOND.

Shortly after my arrival here in 1995, we had, as many of the Members will remember, a very busy first 6 months in that year. We were here night after night after night very late, often in situations where we could not share with our families important occasions. One such occasion was coming up—in fact, it is going to be repeated again in a few weeks—which was the birthday of my twin daughters. They were born on June 22, 1993. So our family planned to have a birthday party for those twins on June 22, 1995. We had plans to take them to a restaurant and have a birthday cake. At the last minute it turned out we had votes that night. That was back when we were keeping the Senate dining room open for Members and their families on Thursday nights. And, happily, therefore, we were able to still have dinner together, although not as we had planned.

We were down in the dining room, and it was just my wife, myself, and our two kids. The folks who worked there were nice enough to prepare a birthday cake at the last minute. So we had two candles on that cake. Our little daughters, after eating a little bit of their dinner, immediately turned to the birthday cake and plowed into it with their fingers and began eating, as 2-year-olds do, in any fashion they could without using utensils. About that time Senator THURMOND appeared in the dining room and wondered what all the hubbub was over at Senator ABRAHAM's table. He came over and asked what the occasion was and we told him it was our birthday party for twin daughters. He took a lot of time and gave each of the girls a birthday hug, and as he walked away I noticed a couple of fingerprints may have adhered to the back of his coat that night from one of our little girls.

The degree to which he cares about all of us here and the affection he has for us and our families which shows a side beyond the leadership side that makes him such a special person. I just want to say, Senator, I am very proud to have been given the chance to come to the Senate, and especially proud to

have had the chance to serve with you. I want to thank you on behalf of my constituents for your contributions to our Nation.

I yield the floor.

The PRESIDING OFFICER. The President pro tempore, the senior Senator from the great State of South Carolina.

Mr. THURMOND. Mr. President, it hardly seems that almost 43 years have passed since December 24, 1954, when I first became a U.S. Senator by raising my right hand and taking the oath of office from then Vice President Richard Nixon. Though it is only 527 miles, this is certainly a long way from where I began my career in public service in 1923 as a teacher in a high school in rural McCormick, SC. I am pleased to say that it has been a rewarding and gratifying journey.

When I graduated from Clemson College and took my first job, my only ambition in life was to be able to help people. As I worked to educate my students in McCormick—and later in Ridge Spring and in Edgefield—I quickly realized that I could have a greater impact in providing for the learning needs of the children of South Carolina by shaping policy. I ran for, and was elected Edgefield County Superintendent of Education in 1928, and during my tenure in that post, I implemented many measures which raised the standards of education in that county. I also got my first taste of how much impact a person can have through elected office.

At that time, South Carolina was an economically challenged place well before the great crash of the stock market which sent the Nation plummeting into the Great Depression. Without trying to sound melodramatic, life was hard back then, the banks were failing, businesses were closing, and people were very concerned about the future. As someone who was eager to try and improve conditions in my home county, as well as throughout the Palmetto State, I declared for State Senator in 1932 and was elected to office. For 5 years, I helped shape policy that guided South Carolina out of the depths of the Depression by, among other things, strengthening education; establishing a rural electrification program; helping our farmers; and by establishing the South Carolina Public Service Authority known as Santee-Cooper.

In subsequent years I became involved in a number of different public service endeavors, some of which have been mentioned by others here today in their flattering floor statements about me. One position after another, and though I did not deliberately set out on this path, each job I had—State senator, State circuit court judge, Army officer, attorney, and Governor—seemed to be leading toward the U.S. Senate.

To those who want to dedicate a part of their lives to serving the Nation, I can think of no better place to do so than in the U.S. Senate, and my time in this institution has truly been the happiest and most rewarding in my life. Over the past four decades, I have been pleased to have been a part of hundreds, if not thousands, of worthwhile endeavors through my duties as a Senator, and my service on the Committees on the Judiciary and Armed Services and Veterans' Affairs.

I knew when I moved up here with my first wife, the late Jean Crouch Thurmond, that I would never earn wealth from my tenure in the Senate, but financial gain was never a consideration for me when I ran for this office. In fact, financial compensation is not why I or anyone else becomes involved in public service. We do it for the opportunity to help others and to give back to the Nation which has provided us with so many opportunities.

There is no other job in the world that allows us to have a more direct impact in rendering service than that of a Senator. The work we do here benefits millions of Americans, and how can one not help but take great satisfaction and pride in such important service. Through oversight, legislation, and old fashioned constituent service, each of us is able to help the citizens of our respective States, as well as build a Nation which is stronger and better for all who live here. I am very proud of the fact that over the past four decades, I have had a role in building the finest military force that history has seen. I am proud of the work we have done on the Judiciary Committee which has helped to safeguard the Constitution, keep the judicial branch independent, and provided sound policies to help make our streets safe. Most importantly, I am pleased that I have been able to use my Senate office to help hundreds of thousands of South Carolinians interact with a government bureaucracy that can sometimes be confusing, unyielding, and intimidating.

It has been a special pleasure for me to help the veterans who serve this Nation in times of war, as well as the families of those who have made the ultimate sacrifice.

As I stand here and reflect upon my career, I have nothing but positive memories. During the course of my tenure, I have had the privilege of serving with some of the truly great figures in the history of this Body. I have been fortunate to make many good friends through my service in the Senate. I am often asked how I want to be remembered, and my answer today is the same as it was in 1954, or would have been in 1923—for being an honest, patriotic, and helpful person. I would like to be remembered as one who cares; cares for his family, his friends, and cares for his Nation.

Though I look forward to completing this term, when I finally retire in 2002, I hope that if I leave any legacy, it is that answering the call of public service is an honorable and worthy vocation. It is only through the efforts of men and women, regardless of their political ideology, who believe in working for the greater good that we will be able to assure that the United States remains a bastion of freedom, justice, and hope.

In closing, I wish to thank my colleagues for their beautiful words concerning my public service. It has been a privilege to serve with such able dedicated, and wonderful people. I thank them for their many courtesies. God bless this magnificent body and the United States of America.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. HELMS. Mr. President, I thank the Chair.

(The remarks of Mr. HELMS pertaining to the introduction of Senate Joint Resolution 31 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

RECESS

The PRESIDING OFFICER. The Senate will stand in recess.

Thereupon, the Senate, at 1:23 p.m., recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. HAGEL).

FAMILY FRIENDLY WORKPLACE ACT

The PRESIDING OFFICER. The Senate will now resume consideration of S. 4, which the clerk will report.

The legislative clerk read as follows:

A bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes.

The Senate resumed consideration of the bill.

Mr. BAUCUS addressed the Chair.

The PRESIDING OFFICER. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak on the Baucus-Kerrey-Landrieu substitute amendment to Senator ASHCROFT's comptime bill.

The Fair Labor Standards Act is a set of laws that Congress enacted some 60 years ago to protect the American worker from abuse in the workplace. These laws do a good job to make sure that our country's greatest asset, our work force, is protected. They put a halt to child labor. They established a 40-hour workweek. And they set up the

concept of pay and a half for overtime. Under these laws, our country has grown and thrived, and, by and large, our workers are protected from extravagant abuses.

However, our society has changed a great deal since Congress enacted that landmark legislation. We have more families where both parents hold down full-time jobs. We have more single-parent households. And for everyone it seems as if their dollar does not buy as much as it used to.

All that means longer hours on the job, which, in turn, leads to less time spent with the family. Today's parents find themselves caught in a tightrope act as they try to balance the needs of their families with the demands of their jobs, and that just is not fair.

I believe we are in a position to help them. That does not mean we should go about dismantling the protections on which our workers have come to rely. That is what some provisions of Senator ASHCROFT's bill will do, and I think that is the wrong path.

Instead, we must adapt our labor laws to maintain the protections that are so necessary while making it possible for our workers to have some flexibility. That is the right path. That is why my colleagues must support our substitute amendment.

In Montana, I meet a lot of hard-working people. One thing they tell me time and time again is they need more flexibility in their work schedules. They need to be able to choose between earning time-and-a-half pay for their overtime or taking that time in the form of vacation. This choice would allow workers to either put aside a little extra money or take some time to be with their families.

One area where the effects of this flexibility will be greatly felt is education. You see, in Montana, we pride ourselves on the quality education we provide our children. And we have done a pretty good job. One key to our success is parental involvement in their kids' education. That means taking time to meet with teachers, helping out on homework and participating in extracurricular activities.

The Baucus-Kerrey-Landrieu amendment will allow parents to freely choose how and when they use their overtime so that parents can again be part of their children's lives.

At the same time, I know every family is different and their needs vary greatly. Lots of folks depend on a little extra money to make ends meet. Others need time for their families. And that is why we need to make sure that every household can choose how to use their time and money.

There are three clear reasons why my colleagues should vote for the substitute amendment offered by myself, Senator KERREY from Nebraska, and Senator LANDRIEU. First, our amendment will allow employees the final choice on when and how they will use their overtime. Whether it is time or money, the worker gets the choice. That is very important.

Senator ASHCROFT's bill leaves the final decision on how you spend your time with the employer. Their bill has no protection for the worker. In fact, it would allow an employer to discriminate against a worker who chooses to take money for their overtime. That is just not fair.

The second difference is that our amendment does not tamper with the 40-hour workweek. If you work more than 40 hours in a week, you are entitled to time-and-a-half pay. That is the way it has always been under the Fair Labor Standards Act. Americans overwhelmingly support the 40-hour workweek, and we ought to preserve it.

Under Senator ASHCROFT's bill, a worker could log 60 hours in 1 week and not qualify for 1 minute of overtime. For over 60 years, we have told our employees that if they worked hard and did a good job, they would be rewarded. Under this bill, we are reneging on that promise. The result is a pay cut for America's workers.

And finally, the third reason my colleagues should support the substitute is that President Clinton has said he would sign our amendment, and he has said he would veto the other comptime bill. So if we are truly interested in giving workers flexibility in passing the comptime bill, we must support, I believe, our amendment. It is the only chance for a meaningful reform this year.

Look, I think most Senators agree we need comptime. It is a good idea whose time has come. Yet, there are two ideas of how to get it done. One would take away workers' choice, end the 40-hour workweek, and is headed toward a certain Presidential veto. The other, our substitute, lets workers decide how to use their overtime, maintains the 40-hour workweek and will become law if we pass it. Our amendment I think is the more reasonable choice.

So if you are really interested in passing a comptime bill, this is the time and our proposal is the bill. I urge my colleagues to vote in favor of the Baucus-Kerrey-Landrieu substitute amendment to the comptime bill.

Mr. President, I yield my time, and I also thank the manager of the bill for his indulgence.

Mr. D'AMATO addressed the Chair.

The PRESIDING OFFICER. The Senator from New York.

Mr. D'AMATO. Mr. President, I ask that I might be permitted to proceed for up to 10 minutes as if in morning business.

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

Mr. D'AMATO. Mr. President, first of all, let me thank Senator HUTCHINSON for being so gracious in permitting me this opportunity because I know he had asked to speak earlier.

VIOLATION OF SWISS BANK SECRECY LAWS

Mr. D'AMATO. Mr. President, I rise today to discuss the case of Christoph Meili. He is a heroic young Swiss bank guard, 27 years of age, who stumbled on a situation that was rather remarkable. It was the shredding this past January of historical documents at Union Bank of Switzerland, one of Switzerland's largest, most prestigious banks. He noted that these records dated during the period of the Holocaust, prior to and during World War II, and he knew that the Government of Switzerland had just passed legislation prohibiting destruction of just these types of records. He took a handful of these records and brought them to the Jewish Cultural Society. They then passed them on to the police—never went to the media. The records were never copied. They were never in any way compromised.

For his bravery, for standing up and doing the right thing, he has been fired from his job. In his termination letter, Mr. Meile was told that although his conduct was "classified as ethical and moral in certain circles," his actions were unjustifiable from the perspective of labor law.

Can you imagine that. He saw the law being violated. He knew that these documents were of import, and he was fired. Here is a noble young man who risked everything, a humble man, a high school education, with a wife and two children. What happened? He is called a traitor to his country. His wife and children are threatened. Hundreds of letters pour in.

Let me read one letter, and it is a tough letter. And I have seen many of these:

> Meile, you bastard. The secret numbered account won't do you any good. You are a son of a bitch, a traitor to your country. It will cost you your life. Your children are in danger. We will kidnap them and make sure that you pay the ransom with your Jewish money. We'll finish you off. We're going to wipe out the entire Meile clan. Traitors like you are not wanted. If you have any courage, you'll kill yourself or emigrate into the promised land to your Jewish friends—to Israel or the U.S. You won't live much longer in Switzerland if you don't kill yourself.

That is the kind of thing he has been subjected to. This brave, courageous and righteous young man finds himself terminated from employment, blacklisted.

The chairman of the board of Union Bank, Mr. Studer says that he thinks Mr. Meili did this to get money. Now, let me say something. Mr. Meili did not go to the press. This information was released by the Union Bank and the police authorities.

I have just recently written to the local prosecutor, and in that letter of

May 15 I said, basically, are you still threatening to prosecute Mr. Meili? I ask that the full text of that letter be printed in the RECORD.

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

U.S. SENATE, COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS,

Washington, DC, May 15, 1997.

Mr. PETER COSANDEY,
District Attorney of the Canton Zurich, Zurich, Switzerland.

DEAR MR. COSANDEY: This letter concerns Mr. Christoph Meili, the former bank security guard who discovered the shredding of Holocaust-era documents at the Union Bank of Switzerland in Zurich and who is currently being investigated by your office for violation of Swiss bank secrecy laws.

As you are probably aware Mr. Meili has recently testified before the Senate Banking Committee in Washington, D.C., in reference to his discovery of the shredding of valuable archival documents by the Union Bank of Switzerland. He told of his firing by his employer Wache A.G., even after I received personal assurances from Ambassador Thomas Borer that this would not take place. Mr. Meili stated that this firing has left him penniless and has placed terrible financial strains upon himself and his family. As you are undoubtedly aware Mr. Meili has a wife and two young children that he must now somehow support.

Mr. Meili also testified of his hours of intense interrogation by Swiss officials and their silence as to the status of their investigation. Mr. Meili also testified that Swiss officials have yet to provide him with copies of the archival documents that he saved from destruction. Mr. Meili also stated that he fears for his life and the life of his wife and infant children. He stated that both he and the members of his family have received numerous threats against their lives. His children have been threatened with kidnaping and he has been told that "their ransoms could be paid from monies belonging to the Jewish community." This is unconscionable.

He also feels that he has been "black-listed" by the Swiss banking community and will have great difficulty in securing gainful employment in Switzerland. Mr. Meili should be treated as a hero not as a criminal. It is within this light that I now ask you to end your harassment of Mr. Meili. You do both your office, Mr. Meili and the citizens of Switzerland a great injustice in continuing your present course of action. The Union Bank of Switzerland should be the subject of your investigation, not Mr. Meili.

In closing, I would also be most interested in finding out what action your office has taken against Mr. Erwin Hagenmuller, the Archivist for the Union Bank of Switzerland who ordered the shredding of archival documents even though recently enacted Swiss law prohibits such willful destruction. Was a report filed by the Union Bank of Switzerland in reference to Mr. Hagenmuller's actions? If so, could a copy of the report be forwarded to the Committee for review?

Respectfully,

ALFONSE M. D'AMATO,
Chairman.

Mr. D'AMATO. I did not receive a direct reply, but let me tell you what I did get just yesterday. I received a letter from Mr. Meile's attorney, Marcel Bosonnet.

In the letter the prosecutor says, basically, that "we intend," and I quote, "to bring a charge" against Mr. Meili. They are going to charge Mr. Meili with criminal conduct, not the bank which shredded the records. And they want Mr. Meili to come back to Switzerland for another interview. Mr. Meili's lawyer, Mr. Bosonnet, writing to a lawyer who is representing Mr. Meili because Mr. Meili is here in hiding, has advised him not to come back to Switzerland because he would face not only persecution but prosecution and harassment.

Now, Mr. President, it is one thing for the Swiss Government to say, "Do not blame us for what took place 50 years ago", and another thing to say, "Well, what we are doing today is correct." I say to the Swiss Government and to the Swiss banks, do not shred the truth. Tell the truth. Mr. Meili should not be facing criminal charges for coming forward.

Let me share with you, if I might, what I learned just before we adjourned. And, by the way, I commend my colleagues in the Senate for passing the bill which will give to Mr. Meili relief, a private relief bill which will permit him and his family to reside in this country legally and to be able to be gainfully employed. That legislation is now pending action in the House. But let me say to you that I think all of us were moved when we heard the testimony of Mr. Meili.

I said to him, "Christoph, why did you do this? Why did you take these documents and report and expose what was going on?"

Do you know what he said? He said, "Two months earlier I saw 'Schindler's List,' and I knew that I must be doing something, and I could not just stand by and let this take place."

So I say to my colleagues in the Senate and in the House, can we do anything less than to ask for speedy passage of that legislation that will give Christoph the right to work and live here in this great country, to tell him that we do appreciate his standing up for truth and justice, and also to let the Swiss Government know in the strongest terms that we are not going to stand by and do business as usual. We are not going to allow them to harass this young man, because this prosecutor is way off base. If anything, he should be investigating the destruction of those historical documents by the Union Bank, documents that existed in some cases for more than 60 years. Suddenly they say they began to destroy them by accident. I do not believe it. It also raises in this Senator's mind the question of how historical documents that have been stored in warehouses belonging to some of the banking institutions mysteriously have caught on fire. I'm talking about four different warehouses in this country, the latest being in New Jersey, concerning documents that belonged to Credit Suisse.

I wonder how it is that shredding takes place after 60 years by accident. When a young bank guard comes forward and says, "Look, this is not right," he, then, becomes the victim and becomes the criminal.

What we seek is justice and a full accounting. And certainly fair treatment of this heroic young man.

Mr. President, I yield the floor.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, are we on the legislation so I can offer an amendment?

The PRESIDING OFFICER. Yes, we are; pending is S. 4.

AMENDMENT NO. 253

(Purpose: To provide protections in bankruptcy proceedings for claims relating to compensatory time off and flexible work credit hours)

Mr. GRASSLEY. Mr. President, under the unanimous-consent agreement my amendment on bankruptcy to this legislation has been filed. I would like to take that amendment up at this point. If it is necessary to read the amendment, I would like to have it read.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 253.

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

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

The amendment is as follows:

On page 28, after line 16, insert the following:

(d) PROTECTIONS FOR CLAIMS RELATING TO COMPENSATORY TIME OFF AND FLEXIBLE CREDIT HOURS IN BANKRUPTCY PROCEEDINGS.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$6,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) or accrued flexible credit hours (as defined in section 13(A) of the Fair Labor Standards Act of 1938) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) or the value of unused, accrued flexible credit hours (as defined in section 13A of the Fair Labor Standards Act of 1938)".

Mr. GRASSLEY. Mr. President, I rise today to offer a bankruptcy amendment to resolve an important question

which has been raised regarding S. 4. This is a bill which will provide America's working families with some much-needed relief from the demands of balancing family and work. But some have questioned whether workers' rights to be paid by companies that declare bankruptcy might inadvertently be affected by S. 4. My amendment will make sure that this will not happen and that workers will be fully protected.

S. 4 is a very important bill. We all know the story. Over the past decade or so, wages have been flat and the tax burden seems to just grow and grow. As both mothers and fathers around the country have had to work outside the home and have had to work longer and longer hours, they have less time to spend with each other and with their families. This leads to a decrease in the quality of family life.

And with all the assaults we have on families these days—increased drug use by teens, excessive violence and sex coming from Hollywood to name a few—Congress needs to give serious consideration to finding ways to protect and stabilize families. The Senator from Missouri is to be commended for taking such a progressive stance on this important issue.

S. 4 will give employers the chance to offer families the choice of working harder and earning overtime pay or getting some time off in exchange for working more. That makes good common sense and will expand the range of choices that working families can make.

Now, I chair the Subcommittee on Administrative Oversight and the Courts, which has primary responsibility for bankruptcy policy in the Senate. I am offering an amendment today to make sure that unused comptime and unused flexible credit time will be protected when an employer declares bankruptcy. Under current law, unpaid wages up to $4,000 are given a preferred status if earned within 90 days prior to a company declaring bankruptucy. Under the Bankruptcy Code, secured creditors are paid and then the costs of administering the bankruptcy estate will be paid. After that—ahead of all the other creditors—workers' wages will be paid subject to those limitations I just described.

I believe that comptime and flexible credit time should be protected in the same way as unpaid wages because unused comptime and unused flexible credit time are essentially unpaid wages.

So, my amendment does two things. First, my amendment provides that all unused comptime and unused flexible credit time will be deemed to have been earned within 90 days prior to the employer filing for bankruptcy. This will prevent a dishonest employer who wants to cheat workers from arguing that he doesn't have to pay the value of unused comptime or unused flexible credit time because they might have been earned over a period of a year or even longer. In other words, by having the law deem all unused comptime and unused flexible credit time as having been earned within 90 days prior to the employer's bankruptcy, the worker's right to be paid will be protected. That's pro-worker and pro-family and it's just plain fair.

The second thing that my amendment will do is insert comptime and flexible credit time in the list of preferred debts alongside unpaid wages. That means that unused comptime and unused flexible credit time will have the same preferred status as unpaid wages.

Mr. President, I hope that every Member of this body will support my amendment. It is pro-worker and it makes sure that the promise of comptime and flexible credit time will not turn into an empty promise. As we all know, most employers are honest and law abiding and will go into bankruptcy only as a last resort. But when a company has to go into bankruptcy, we should take extra care here in Congress to see to it that workers are treated fairly. We should also make sure that workers are protected from the small number of dishonest companies that might try to use a loophole to cheat workers out of what they've earned.

My amendment simply ensures that unused comptime and unused flexible credit time will be as protected as unpaid wages. Workers who choose to take the time to be with their families should not be disadvantaged should their company have to declare bankruptcy.

Mr. President, I hope this amendment passes overwhelmingly.

I would like to also suggest that as a concession to the Members of the other side of the aisle, I have also raised the dollar amount referred to earlier from $4,000 up to $6,000 as well.

I yield the floor.

Mr. ASHCROFT. Will the Senator from Iowa yield for a question?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I am very pleased to have the Senator come to the floor and offer this amendment. I would like to clarify the intent of my colleague. I think I understand it.

If the comptime accumulated earnings, which might either be paid off at the end of the year as comptime that gets cashed out or might be taken as comptime, as time off—if that is older than 90 days old, under the current law it might not have all the protections in bankruptcy that normal wages would have; is that correct?

Mr. GRASSLEY. The Senator from Missouri has the existing law correct. That is right.

Mr. ASHCROFT. So what the Senator is doing is making sure that everything that would be in a comptime or flextime bank in terms of hours would be protected at the highest level of protection as recently earned wages under the bankruptcy law?

Mr. GRASSLEY. Yes.

Mr. ASHCROFT. I think that is a clear improvement to this measure, in terms of protecting the interests of workers. I thank the Senator from Iowa for his insight and his expertise in this area, which obviously reflects his experience with the bankruptcy laws and his experience in matters of this character.

Mr. GRASSLEY. Is it appropriate to urge the adoption? It is not appropriate? We have not had the minority people speak to it yet.

I ask unanimous consent to lay this amendment aside for the consideration of a second amendment that I have already filed.

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

AMENDMENT NO. 256

(Purpose: To apply to Congress the same provisions relating to compensatory time off, biweekly work programs, flexible credit hour programs, and exemptions of certain professionals from the minimum wage and overtime requirements as apply to private sector employees)

Mr. GRASSLEY. This amendment is amendment 256. It has been filed.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from Iowa [Mr. GRASSLEY] proposes an amendment numbered 256.

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

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

The amendment is as follows:

At the end of the bill, add the following:

SEC. 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms "Board", "covered employee", and "employing office" have the meanings given the terms in sections 101 and 203 of Public Law 104–1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act), section 16(g)(1) of such Act (29 U.S.C. 216(g)(1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104–1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104–1 shall apply with respect to violations of paragraph (1).

(5) REGULATIONS.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of Public Law 104–1, issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) COMPENSATORY TIME OFF.—

(1) REGULATIONS.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104–1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) REMEDY.—The remedy for a violation of section 203(a) of Public Law 104–1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 7(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) EFFECTIVE DATE.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104–1 cease to be effective on the date of enactment of this Act.

(d) RULES OF APPLICATION.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States Code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104–1.

Mr. GRASSLEY. Mr. President, I rise today to offer a very important amendment. This amendment applies the provisions of this bill, S. 4, to Congress.

As most Senators know, I pushed for the adoption of the original Congressional Accountability Act for many years before it was enacted. Finally, in the last Congress, with my sponsorship, we enacted the Congressional Accountability Act into law. With this act we said that we in Congress are no better than the business men and women in our States. We are not different and we, too, must live under the laws that we pass. We no longer sit in Washington and look down upon the people and tell them how to run their businesses. This is a democracy, and therefore we make laws for the people, and we, too, are the people.

This amendment is offered for the same purpose. It is a continuation of the spirit and intent of the Congressional Accountability Act.

In the Federalist Papers, Federalist 57, James Madison wrote that:

> [Members of Congress] can make no law which will not have its full operation on themselves and their friends, as well as on the great mass of society . . . it creates between them that communion of interests and sympathy of sentiments of which few governments have furnished examples, but without which every government degenerates into tyranny.

The bill before us gives important options to the private workplace that Government—with exceptions including Congress—has enjoyed for years. It is only fair that if these options—compensatory time, bi-weekly schedules and flextime—apply to the private sector, then they must also apply to Congress. A rationale of the Congressional Accountability Act was that by requiring us to live under the same laws as the private sector, we will understand the challenges created by the laws that we pass. If we apply compensatory time, bi-weekly schedules and flextime to the private sector, we must also apply it to Congress. Otherwise, we will not get an accurate understanding of what our labor laws do to our businesses and workers.

The language in this amendment is carefully crafted to complement the Congressional Accountability Act. The drafting of this language was a long and careful process. I drafted it in consultation with the Office of Compliance and the Senate Employment Counsel. I thank both of these offices for their efforts to craft this language and make it the most effective and fair language possible.

I ask my colleagues to support this amendment and to join me once again in saying that we are not above the laws that we make.

I yield the floor.

Mr. GORTON addressed the Chair.

The PRESIDING OFFICER. The Senator from Washington.

AMENDMENT NO. 265

(Purpose: To prohibit coercion by employers of certain public employees who are eligible for compensatory time off under the Fair Labor Standards Act of 1938 and provide for additional remedies in a case of coercion by such employers of such employees)

Mr. GORTON. Mr. President, I ask unanimous consent that the current amendment be laid aside and call up amendment No. 265.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Washington [Mr. GORTON] proposes an amendment numbered 265.

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

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

The amendment is as follows:

Beginning on page 10, strike line 8 and all that follows through page 10, line 16 and insert the following: "subsection (o)(8).".

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO EMPLOYEES OF STATE AGENCIES.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking "(7) For" and inserting "(8) For"; and

(B) by inserting after paragraph (6), the following:

"(7)(A) The provisions relating to the prohibition of coercion under subsection (r)(6)(A) shall apply to an employee and employer described in this subsection to the same extent the provisions apply to an employee and employer described in subsection (r).

"(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to an employee described in this subsection to the same extent that remedies are made available to an employee described in subsection (r).

"(ii) In calculating the amount an employer described in this subsection would be liable for under section 16(f) to an employee described in this subsection, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).".

(5) NOTICE OF EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

Mr. GORTON. Mr. President, I send a second-degree amendment to amendment No. 265 to the desk and ask for its immediate consideration.

The PRESIDING OFFICER. The Senator does not have the right to amend his own amendment at this point.

Mr. GORTON. Mr. President, I ask unanimous consent to be granted that right.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington has the floor.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

Mr. GRAMS. Mr. President, I ask, what is the order of the business of the Senate?

The PRESIDING OFFICER. The pending question is amendment No. 265.

Mr. GRAMS. Mr. President, I ask unanimous consent that the amendment be laid aside temporarily so I may make a statement in support of this bill.

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

Mr. GRAMS. Thank you very much.

Mr. President, I have come to the floor this afternoon to express my support for the Family Friendly Workplace Act introduced by my colleague from Missouri, Senator JOHN ASHCROFT. I join with the Nation's working men and women in thanking my friend for his leadership in bringing this legislation to the floor and giving us an opportunity to focus on what has become the single most precious commodity for working families in the 1990's, and that is time.

Trapped between less time and greater demands, the American people are calling for more choices and flexibility in setting their work schedules. They want help in balancing the competing demands for time between their families and their jobs. When surveyed in March by Money magazine, 64 percent of the American public—and 68 percent of working women—said they would prefer time off instead of extra pay for overtime, if the law permitted such a choice.

Unfortunately, the law does not allow such choices, even though dramatic changes have taken place in America since 1938, when Congress wrote the basic law governing U.S. workplaces. Six decades ago, most laborers were employed in industrial plants or on farms. Fewer than 16 percent of married women with children in school were employed outside the home. Today, service jobs are a key part of the economy where more than 75 percent of married women with school-age children now work outside the home.

Many parents are under tremendous stress, often holding down more than one job while trying to raise their children. The strain can be even more pronounced in single-parent households or two-parent families where both spouses work. Is it any surprise that today's parents are spending 40 percent less time with their children than parents did just three decades ago? It seems there are not enough hours in the day anymore to always fulfill the demands of family and of work.

Twenty years ago, Congress overwhelmingly approved relief for federal workers by enacting flexible work options for government employees. During House consideration of the bill, then-Representative Geraldine Ferraro said, "Flexible schedules have helped reduce the conflicts between work and personal needs, particularly for working women and others with household responsibilities." Also, Representative Patricia Schroeder added, "Flextime increases employee morale and productivity."

Even though federal workers have enjoyed these benefits for years, the rules governing the workplace and working hours for the private sector remain frozen back in 1938. Predictably, this has created unintended burdens for millions of workers.

For example, under today's law, a worker who wants to put in 45 hours one workweek in exchange for 35 hours the next—in order to attend a child's soccer game, parent-teacher conference, or doctor's appointment—must first have an employer who is willing to pay 5 hours of overtime pay for the 45-hour week. Because many employers cannot afford additional overtime expenses, working parents are left with two choices: One is lose 5 hours of pay in order to be with a child, or miss the soccer game, school award, or doctor's appointment. That is an unfair choice parents should not be forced to make.

Employers who try to extend a helping hand to employees with flexible scheduling do so at the risk of fines and penalties from the Department of Labor. It is the law—you are not allowed to work 45 hours now in return for 35 hours in another week and still keep a full paycheck.

President Clinton has said he understands this problem and has proposed expanding unpaid time off under the Family and Medical Leave Act. Unfortunately, his plan only allows leave without pay. It was designed for periods of extended leave, not for the flexibility needed to meet the daily challenges of modern family and working life. Working parents would still have to take a pay cut to be with their children.

Mr. President, I firmly believe the time has come to bring our employment laws into the 1990's, and so I have proudly signed on as an original cosponsor of the Family Friendly Workplace Act. Our bill would create flexible scheduling options for working Americans, benefiting millions of hard-working women and men.

First, workers under this legislation would have paid flexible leave. To create time for their families, employees could choose to work additional hours in one week, to fill in a shorter week later. Employees could bank up to 50 hours of flexible leave that can be taken with pay.

Also second, employees could set 2-week schedules totaling 80 hours in any combination. For example, an employee might want every other Friday off, compensating for the day off by working 80 hours over the course of 9 days. This system has worked well for Federal employees.

Third, employees could take time and one-half off, instead of overtime pay. Employees would have the option of cashing out these comp time hours for overtime pay, if they wished. It is important to note that these options are entirely voluntary and any action must be set into motion by the employee, not the employer. Your employer can't force you to take comp time if you prefer the overtime. The bill, in fact, sets stiff penalties for coercive or abusive actions by employers.

While I believe the bill affords employees the necessary protections, should there be reports of widespread abuse under this legislation, I will be among the first to call for its repeal.

Mr. President, an editorial published in the April 7, 1997, edition of the Minneapolis Star-Tribune raised some of these same concerns—concerns I believe have been satisfied—and the newspaper found the premise behind the bill to be solid. The newspaper wrote:

> This is pretty appealing to busy Americans, many of whom would happily forgo $60 in overtime pay for the chance to spend Friday with their kids or a string of walleyes. And it is an efficient form of time management for employers who see their offices swamped with work one week but becalmed the next.

The editorial concluded by saying that

> Clinton and Congress' Republican leadership should find a way to accommodate the needs of business and American workers in a changing economy . . . After all, the whole point is flexibility.

Mr. President, I trust working parents with that flexibility because only they know what is best for their families. The flexibility is especially meaningful for the Nation's working women as well. Both Working Women and Working Mother magazines have endorsed the flextime and comptime measures in the Family Friendly Workplace Act, recognizing that 28.8 million working women stand to gain from this proposal.

Times have changed dramatically since 1938, and change is long overdue. In fairness to workers and their families, and in the interest of the productivity of our economy, it is time to modernize our labor laws and give all workers the choice of flexible work options. So Mr. President, in concluding,

I would like to say that the Family Friendly Workplace Act offers much-needed help for Americans striving to meet all the needs of their families. I urge the support of my colleagues, and once again I want to thank the Senator from Missouri for his leadership in bringing this bill before the Senate.

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

Mr. SMITH of New Hampshire. Mr. President, today the Senate is debating an aptly titled bill, the Family Friendly Workplace Act. The working families of today face more challenges than their parents and grandparents could have imagined. In addition to providing for their children, parents want to balance the other demands on their time—parent-teacher conferences, little league games, doctor appointments, car pools—but have little flexibility.

The family friendly workplace will give employees the opportunity to adjust their work hours to take advantage of paid time off during the workday. It is a short, simple bill that would extend to the private sector the same benefits already enjoyed by public employees for almost 20 years. First, it will allow hourly workers the ability to bank extra time which could be taken as paid time off. Second, the measure will give employees and employers the ability to work out a flexible scheduling arrangement. Sound simple enough? Surprisingly, these common-sense practices are now prohibited under current law.

The only explanation I can find for the opposition to this proposal is the flurry of misinformation that surrounds this debate. For instance, I have received a few letters in my office from Washington labor organizations, which reveal their unfortunate misunderstanding of this bill. One letter states, "S. 4 contains no penalty to punish employers who force workers to take compensatory time off if the workers want, instead, to receive premium pay at the time-and-a-half rate, after they work in excess of 40 hours during a week." This claim is false. Not only are these options 100 percent voluntary for the employee, but, in addition to protections that already exist under the Fair Labor Standards Act [FLSA], S. 4 establishes further prohibitions against employee coercion in the voluntary acceptance of comptime. Intimidation is outlawed. Another letter I received argues that "the enactment of a less effective FLSA would jeopardize worker safety and health as employees are forced to accept excessively long and hazardous overtime assignments without pay fearing loss of future employment opportunities * * *" This claim is untrue. Let me repeat—these options are 100 percent voluntary for the employee.

I am also confused by arguments my colleagues have made against this measure. One amendment the opponents may offer would expand the Family and Medical Leave Act to grant workers up to 24 hours of unpaid leave to participate in their child's school activities. They point to a poll that found that 86 percent of the American public favor legislation that would allow workers unpaid leave to attend parent-teacher conferences. Did the poll ask Americans if they would like paid leave for these educational purposes? I also find this amendment puzzling since the first argument I hear from labor groups is that workers cannot afford to take compensatory time off since they rely on their overtime pay. I agree that many workers would not take the comptime option because they prefer additional pay. But if extra pay is their first priority, why would they be so anxious to take unpaid leave?

Furthermore, opponents cite the position of various women's organizations in Washington who have come out against this bill. Like many inside-the-beltway groups, they seem to have fallen out of step with the average working woman, since several studies contradict their opposition. For example, a study conducted by the Employment Policy Foundation reveals that women are far more eager to trade income for leisure—among women earning $750 a week, women are more than twice as likely as men to choose "fewer hours for less pay." Second, a recent poll by Money magazine found that 66 percent of the American people would rather have their overtime in the form of time off, rather than cash wages, and 82 percent said they support the Republican-backed comptime bills. Also worth noting is the endorsement of the Family Friendly Workplace Act by Working Woman and Working Mother magazines.

Even more perplexing is the President's failure to recognize the special needs of working women by refusing to allow comptime in exchange for overtime pay. While overtime pay is invaluable to many workers, nearly three out of four workers reporting overtime pay are men. In fact, overtime pay is most commonly reported in industries which are heavily dominated by men—manufacturing (73%), mining and construction (95%), and transportation (88%). Of the small number of women who work in mining and construction, only 5 percent worked overtime in 1996, while 95 percent of men did. The President's commitment to defeating this proposal will disproportionately harm women.

While these polls and statistics are helpful and revealing, I need go no further than my home State to be convinced of the value of the Family Friendly Workplace Act. One engineering firm in New Hampshire, for instance, uses a complicated formula to allow employees every other Friday off. But the complexity of their current system is exactly why they would prefer the passage of S. 4. If there is any doubt that this flextime is appealing to employees, this company, like many in the highly competitive technology industry, advertises their existing flexible week as an incentive when seeking out technical expertise. Any Senator who represents an area like the Northeast, which has a large technology presence, can understand how competitive the recruiting can be. The flex week is so appealing to potential employees, firms highlight it in their ads in an effort to outbid their competitors.

Because of the false claims, inconsistency, and bias against women, I reject the arguments against the Family Friendly Workplace Act. It is time that these options are enjoyed by all American workers, not just Federal employees. I hope my colleagues will join me in support of this commonsense legislation, and vote to invoke cloture.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. I thank the Chair.

Mr. President, I would like to briefly respond to some of the discussion that deals with S. 4, which is egregiously entitled the "Family Friendly Workplace Act." But I also want to say to my colleagues that I am going to spend a little bit of time talking about disaster relief and the failure of the House of Representatives to move forward with this legislation because I think that takes priority over all of our business here.

Mr. President, I will agree with my colleagues, starting with Senator ASHCROFT, whom I enjoy as a colleague, that this piece of legislation deals with a very important question. And the question is how people balance their commitments to work with their commitments to family. I think that is a very important question.

But I would like to just repeat one more time for my colleague from Missouri and other colleagues who want to see some kind of positive, constructive legislation passed, this piece of legislation in its present form is going nowhere. And it should not go anywhere.

Mr. President, first of all, there are two features that are automatic nonstarters. My colleague from Minnesota, whom I enjoy working with, talked about a couple of women's organizations that support this bill. My understanding is there are huge numbers of women's organizations who are in opposition, for good reason.

First of all, we have the Fair Labor Standards Act which was hallmark legislation. The idea here was the 40-hour week. If you worked overtime you get overtime pay. That is very important. There are a whole lot of families with incomes below $20,000, $25,000 a year for whom overtime pay is key.

What we are doing with this legislation, which has this sort of happy-face title, the "Family Friendly Workplace Act," is we are now moving from a 40-hour week, we are abolishing it and we are going to an 80-hour 2-week period whereby an employee could work 50 or 60 hours one week, 30 or 20 hours the next week and not get paid any overtime.

If you think that the reality is in the workplaces throughout this country that employees are equal partners in this decisionmaking in all these workplaces, then you might not worry about that. But the fact of the matter is, the vast majority of people, the vast majority of women and women's organizations, understanding the threat to the 40-hour week, will not accept this. This provision is not in the House bill that passed, and it should not be in this bill. It is one of the reasons this bill will go nowhere.

Mr. President, in addition, there is another feature that deals with flextime which essentially says you can work overtime and then you can take that hour off or however many hours you worked, but you do not get an hour and a half off for an hour overtime so it becomes a cut in pay. Again, you have two features in this bill that are in direct contradiction to the Fair Labor Standards Act and, therefore, going nowhere.

Now, the third point I want to make is that there has to be some guarantee, some way that we protect people for whom being able to work and working overtime and being paid overtime is critical to their family's income. In a huge percentage of families with incomes under $20,000 a year, the household head works overtime. So what you do not want to have happen is a situation where an employer is only going to give the overtime to those people who take comptime as opposed to people who want to have time-and-a-half pay. Again, so far, we have not seen any willingness to sit down and negotiate and compromise on some of these questions.

Mr. President, in committee Senator MURRAY talked about an extension of the Family and Medical Leave Act which was terribly important. The Senator may, while she is here, raise a question with me about this, and I am pleased to do a colloquy with her on that. In addition, I had an amendment in committee which said if there is a situation dealing with Family and Medical Leave Act considerations where there is sickness in the family or whatever and you banked 20 or 40 hours, you should be able to take that time off; you do not need to ask for permission.

Mrs. MURRAY. Will the Senator yield?

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

Mrs. MURRAY. The Senator from Minnesota is correct that during the debate on this bill I have talked consistently about the fact that women do want flexibility in the workplace in order to make sure they can take care of their children when they need to.

The concerns we have continuously raised about the bill we are debating is who decides when that woman or man, father or mother, gets to take that time—whether the employer decides or they do.

When it is your child's conference time at school, your employer cannot say, or probably will not say to you, "You can take your conference time next week." You need to go to them as an employee and say, "My child's conference is next Thursday at 10 o'clock. I need to take an hour to go visit with my child's teacher."

Let me ask the Senator from Minnesota, the option that I am offering that allows 24 hours off a year for parents to participate with their child, in your opinion, would that give employees the ability to have some control over their time and their ability to participate with their families?

Mr. WELLSTONE. Mr. President, in responding to the question that the Senator from Washington has raised, that is really what is at issue here. There is an alternative that Senator BAUCUS and others have presented which really does give the employees the flexibility, if that is what this is about. We have to make sure that employees have the flexibility so that if they need to take the time off—time, I might make the point, time that they banked—if they need their comptime because they want to go to school and visit with the teacher or because they have an elderly parent that is ill, they ought to be able to do it. If we really want to give them flexibility, we should give them flexibility. That is not in this piece of legislation.

I also say to the Senator from Washington that, in addition, we have a very serious problem here. Sometimes I think here in the Senate we lose sight of the reality of the circumstances of many families in our country. We have a paradoxical situation where we have this impressive abundance, an affluence and good macroeconomic indicators, but at the same time, we have large numbers of families that are struggling to earn a decent living and raise their children successfully. People are still feeling the economic squeeze, and one of the ways people are able to put food on the table and support their families is to be able to get that overtime pay for working overtime. We are not going to abandon that principle.

This legislation in its present form will be defeated again tomorrow. People gave their sweat and their tears for fair labor standards and for a 40-hour week and for the idea that if you work overtime you get overtime pay. Now, if we want to really give employees the flexibility, we should do so. But you do not have a cut in pay with flextime, you do not have a cut in pay by abolishing the 40-hour week and going to an 80-hour 2-week framework. You make sure that employees, in fact, if they bank that extra time, that flextime, are able to take it off, time and a half for every hour worked overtime to be with their child or to be at a doctor's office with their parent. They get to do it. They do not have to ask for permission. You certainly make sure that you do not have any discrimination whereby this becomes too good a deal in its present form for too many employers, and the only people, I say to my colleague from Washington, that they give any overtime to are those people who will not ask for overtime pay, who will only ask for comptime. That is what is at issue here.

I agree with the question, which is this is all about working families. This is all about how people balance commitment to work with balancing a commitment to family. But this piece of legislation does not give employees the flexibility, and this piece of legislation does not give people the guarantee that they will not be discriminated against and no longer able to obtain overtime pay for overtime work which is so important to so many families that are barely able to make ends meet. This piece of legislation takes the Fair Labor Standards Act and it turns it on its head. It literally overturns 50 or 60 years of people's history. It is too bad, because we could pass a piece of legislation.

My colleague from Missouri has a good idea, at least in the goal of giving employees the flexibility. But in its present form, this piece of legislation will go nowhere.

Mr. President, now, I understand I have not looked at some of the amendments—Senator GRASSLEY's amendment. We also, in committee, were talking about the whole problem of bankruptcy and what happens to people who have earned this time. I think maybe the ceiling is too low and we have to have a higher threshold. Maybe something can be worked out on that, but then I hear there is another amendment that wants to apply this piece of legislation to the Congress, to staff, the people who work here.

Well, Mr. President, I think that most of the people who work here—I have to look at all of the specifics, but I would think that a lot of people who work here might say, well, we would rather go forward and not backward. Right now, I think, people would be kind of worried about losing some of their fair labor standard protection or they would be worried about not being able to work overtime and get overtime pay. I do not think people want to see that. I also think employees here working with us want to make sure that if they bank the time, they will be

able to take it off when they need to take it off to be with their families.

So, again, Mr. President, you cannot take a piece of legislation that is flawed, I say with some regret, badly flawed for the vast majority of families in this country, and now apply it to people who work here, which just compounds the problem. Make this a good piece of legislation, and then, I say to my colleague from Iowa, and then we should apply it. I am all for that.

DISASTER RELIEF

Mr. WELLSTONE. Mr. President, I want to mention to some of my colleagues that with some regret, at least for a while this afternoon while I have the floor, there probably will not be a lot of discussion about this important piece of legislation, because I am now at the point, as a Senator from Minnesota, where I could not have any more patience for the political process here.

We have had people in our States, and the Chair, I know, would feel the same, and I believe my colleague from Missouri would feel the same way, who have been through an absolute nightmare. We have communities where everybody had to evacuate—total devastation. We have one community in Minnesota, East Grand Forks, across the Red River from Grand Forks, and everybody had to leave and the people are still waiting for the Congress to provide them with relief. And the House of Representatives had the nerve to go into recess without providing that assistance.

Well, Mr. President, for a while this afternoon the only point of discussion while I have the floor is going to be about the problems that we are facing in States that have been flooded, in States that are waiting for this disaster relief, because I think this ought to be the priority for the Congress. Whatever I know about this political process, whatever leverage I have as a Senator, I am going to use it. I will slow up whatever I can slow up. I will stop whatever I can stop. I will do it this week, and I will do it next week and I will do it as many weeks as I need to, until that disaster relief bill is passed. I do not know what else to do. I do not know what else to do.

Mr. President, let me just talk a little bit about what is going on here. What we have is a situation where some people are playing politics with the emergency supplemental as opposed to getting this relief out to people who are trying to rebuild their lives.

Can you imagine, I say to the Chair and my colleague from Missouri, can you imagine how people in Idaho and Missouri would feel when their homes have been destroyed? We worked together in a bipartisan fashion, and Senator STEVENS was a big part of that. We came up with not only the funding for FEMA, but most important of all is some small business loans we came up with in what is called Community Development Block Grants, moneys which would enable people to move forward with buyouts for people who live in the floodplain, enable people to have assistance to rebuild their homes. That was the good news part. We were on our way.

And then we had a disagreement. We had a disagreement over something called the CR. Frankly, people back in the Dakotas and Minnesota do not know that much about a CR and they do not really care too much. They just thought we would have the elementary decency of providing them with some help in their hour of need. But we got a debate about the CR.

We have another debate about roads and public parks and maybe a couple of other matters as well. I would have thought that my colleagues—and I think some Republicans agree with me, so I do not think this is really so much a partisan issue; I know that in our States, Republicans agree—I would have thought that my colleagues would have had the elementary decency, the elementary decency before they went into recess, and we were going to stop them, and I cannot even remember the technical maneuver, but we were going to try and force a vote on adjournment, I guess it was, but they did not call it adjournment. We were in recess. So, theoretically, every 2 or 3 days, we were in session, but we really were not. Then people in the House of Representatives could then vote against adjournment and feel good about it, knowing that nothing had been done.

I could not believe it. The leadership in the House of Representatives—I do not even call it leadership when people in our States are in such need, waiting for some final assurance that relief is going to be forthcoming—goes into recess.

They don't even have the elementary decency to put aside what differences we have and just go forward—make sure that people know that they are going to be able to rebuild their homes, make sure that people know they are going to be able to move back into their homes, and make sure that people know that they are going to be able to go on with their lives. But no.

I am Jewish. I throw my hands around here. I am sorry, my colleagues.

But, no. They go into recess. And I am supposed to try to explain to people in Minnesota and North Dakota and South Dakota how we can play these kind of games here? People can't believe it.

To all of my colleagues, to all of the people who are here today, no wonder so many Americans sour on our political process. You have floods the likes of which haven't been seen for 400 or 500 years. You have total devastation. The hospitals are destroyed, schools are destroyed, and everybody in the town are all leaving. You have flooding. You have hail. You have snow. You have fire. And, in spite of all of that, the goodness of people comes out. They support each other, they love each other, and they try to get back with their lives. But they know they need help. And the House of Representatives goes into recess. It is unbelievable.

Now we are back here, and it is Tuesday. We hear that maybe this week this disaster relief bill will not be passed. Or maybe, people say, "Well, play a game and we will put on a continuing resolution." What does a continuing resolution have to do with the budget or have to do with getting disaster relief for people? It is called disaster relief because it is disaster. It is called an emergency supplemental bill because it is an emergency. Stop playing political games with people's lives.

So, Mr. President, now we have a situation where some people are thinking, OK, what we will do is put a continuing resolution on this bill; it has nothing to do with emergency supplemental assistance; we will send it to the President; then he has already said he will veto it; and then it will come back here. And I don't know what they will do next.

Why are they sending it to the President when you know he is going to veto it? If you want to debate the budget, let's debate the budget. If you want to debate the parks and the other issues, fine. But can't we just put aside our differences and please get the supplemental assistance to people? This is really a huge issue.

Mr. President, there are families and business owners in Grand Forks, ND. My colleague from North Dakota talked about this, and East Grand Forks. They need to know whether they are going to be part of the floodplain buyout. But they do not know. They do not know whether or not there is going to be a buyout. They do not know whether they should move. They do not know whether they should try to come back to their homes. They don't know whether there is going to be any assistance at all. The State does not know whether it should go forward. The mayors do not know what they can say to the citizens because they do not know what we are going to do because people have been waiting and waiting and waiting.

Some of my colleagues today are going to wait because I am going to talk on the floor of the Senate for a while as well because it is just simply unconscionable and it is simply indefensible that we just do not get on with the business of providing people with this assistance right now.

Mr. President, we have another problem. If we are going to start rebuilding—I think maybe in Idaho and less in Missouri. But in Idaho I think this is a bit of an issue as well. We have to get going because our building season is over come mid to late October.

So, if we do not get the approved funding now and we don't started with the construction we are not going to get it done. Minnesota is a cold weather State. It is without a doubt the best State in the country. But it is a cold State. We have to get the funding right now, or we are not going to get the construction work done.

Colleagues, there are very good, very wonderful, very strong, very loving people in Minnesota and the Dakotas, and others States as well are confronted with the fierce urgency of now. They are trying somehow to rebuild their lives. They have been through a living hell. You would not wish it on anyone. They have been waiting and waiting for us to have the decency to please get the assistance to them. And we are still playing political games here.

Mr. President, the supplemental contains $500 million in CDBG funding for flood assistance. This program is one of the oldest Federal block grant programs in existence. This gives the States the most flexibility, or it could be the most flexibility for local communities.

Let me explain what we are talking about here. Whether we are talking about floods in the Midwest, or hurricanes in the South, or earthquakes in the West, this CDBG money is critical because it fills in the cracks.

In other words, what happens is FEMA money is good for public infrastructure and some help for homeowners and the small business money in loans. But the problem is many people can't cash flow any more loans. They can't get their businesses going. They can't rebuild their homes unless they get this community development block grant money. We have to task—thank you, Republicans, and, thank you, Democrats. We work together. That was the right thing to do. But now—for the last 13 or 14 days, whatever it has been—people back in Minnesota cannot believe what they are seeing here. They don't understand these games. They don't understand why it is we just do not provide them with the assistance that they need.

Mr. President, we have seen homes destroyed. We have seen city blocks immersed in water. And our communities, Ada, Warren, East Grand Forks, and others are in tremendous amount of need. They are in hurt. And they have the task of rebuilding their neighborhoods block by block and home by home.

I would like to thank FEMA, the Federal Emergency Management Agency for their work, and its Director James Lee Witt for his leadership. He has been great. I would like to thank all of the FEMA people who are out in Minnesota. They have been great. They are real heroes and real heroines. They are doing everything they can to help people. They are working with our community. And they are thinking about again buyouts and relocation plans.

They are thinking about how to enable people to move back into their homes, and how people can rebuild their businesses. But we need to get the funding to our States now. We need to begin the process of rebuilding our communities.

Mr. President, I don't know any other way to say it. I would say to my colleagues: Quit playing political football with the lives of disaster victims. Quit playing political football with the lives of disaster victims.

I don't know anything else to do. I mean, I apologize to my colleagues. I am going to continue to talk for a while—not all day and all night and all day tomorrow. But I do want to speak for a while about this.

Really, every opportunity I get as a Senator I am going to continue to come out and hold the floor. And I think just about every other Senator will do the same thing from our States. This is going to go on. Any Senator would do it, Democrat, or Republican. What else are you supposed to do?

I mean the first thing you do is you try to appeal to the common sense of some of your colleagues. You say, look, we have some differences here. So why don't we just put those differences aside and just get the assistance to people because we don't differ on that.

This is an emergency. Let's get the emergency assistance to people now. We tried to make that appeal. That didn't work. Then you try and appeal to the goodness of people. You say, look, people are hurting. People need some certainty. People need to have some confidence that we are going to provide some assistance to people. Please, Representatives; please Senators—I think even more Representatives now that I think about it on the House side—please. Can't you just put aside the differences? Can't we just go forward with what we agree on and get this disaster relief to people?

That doesn't work.

Then you try another appeal. You say, look, Senator, if it was your State, you would want to get that assistance out to the people. You would have a tough time going home and looking at people in the eye and having them look at you and try to explain what in the world is going on here.

So you try to appeal to colleagues, and you say, "Look, I have always been there for you when you needed help in Missouri, or you needed help in Idaho, or whatever State, which is true. I remember the flooding and what they went through just a few years ago. Now we need help. Please, won't you help us get this through?

And that doesn't work.

So, since none of that works, there is only one thing to do. And that is just use the Senate rules and figure out your leverage and just do not let the U.S. Congress—in particular the House of Representatives which has this held up—go on with business as usual. We are going to talk about what is going on in Minnesota, the Dakotas, Missouri, and California, and a variety of other States.

Mr. President, I have here a letter from the mayor of East Grand Forks, MN, Lynn Stauss.

I tell you. My colleague, Representative COLLIN PETERSON, made a very good point this morning. Lynn Stauss is a part-time mayor. He makes about $5,300 a year. He is coming back out here tomorrow, and the mayor of Grand Forks, ND, as well. They shouldn't have to keep coming out here. But they have to keep coming out here to keep saying to people: "Please, Senators and Representatives, don't make the people in our communities an abstraction." We are talking about real men, real women, and their children.

I don't know how the mayor has done it. He has been incredibly courageous. He has given people a lot of hope under some very difficult conditions, I say to a former mayor, Mr. President. But I know it gets hard after a while. People start to run out of hope when we don't come through here in the Congress.

So this is a letter dated May 20, 1997. I should have brought my glasses knowing that I was going to be on the floor for a while.

Do you have any glasses? [Laughter.]

These glasses are too conservative. I thank my colleague from Missouri. I have never understood how such a good person could have such bad ideas. [Laughter.]

DEAR SENATOR DORGAN: We understand that there are currently proposals to dispose of the five hundred million in CDBG grants for disaster aid in two separate payments. Because of the magnitude of destruction of the record setting flood of 1997 and the ice storm preceding the flood on April 4, 1997 throughout the Red River Valley, especially to the communities of Grand Forks, North Dakota and East Grand Forks, Minnesota, it is imperative that the total amount of five hundred million be released to our communities without delay. The people of our communities have suffered the loss of income, homes and businesses. In addition, our streets, water system, electrical system and sanitation system have been severely damaged and require immediate attention. The public facilities as we once knew them are virtually non-existent. We are now a community without a city hall, a library, several schools, fire hall and senior citizens center.

Our number one priority is the acquisition of over 600 homes and businesses from the floodway. Immediate acquisition and relocation is the only preventive measure in relieving stress and allowing our citizens an opportunity to rebuild in our communities. Because of our short window of construction, if we do not act now our businesses and residents will have no alternative but to relocate in other communities.

We enclose for your information a copy of a proposal from Wynne Consultants which clearly depicts the aftermath and total devastation left by the flood and ice storm. We

believe the report will provide you with a comprehensive understanding of our urgent, basic needs. The five hundred million in CDBG grants must be released to our communities to allow us the flexibility to rebuild and move forward with our lives.

Mr. President, this is from the mayor, and I just want to emphasize the importance of the words "to rebuild and move forward with our lives." Again, Mr. President, I am sorry to inconvenience colleagues, but I feel as if people in Minnesota have been inconvenienced, and I think it is important to focus on this because I think we should pass this before we do anything else.

An emergency supplemental is an emergency supplemental. That does not mean messing around, playing all sorts of political games. And disaster relief is disaster relief. It seems to me to be patently unfair and insensitive and unconscionable for the House of Representatives to go into recess and not pass this disaster relief bill or for this week all of us in the Congress to mess around and mess around and mess around and not do this work. If there is one thing we should do this week, it should be to pass this disaster relief bill. This should come before anything else. This disaster relief bill should come before, I say to my colleague—I know how much work he has put into this, and I still think there is a possibility of passing a good piece of legislation when we get down to really give-and-take discussion and work together. I do not think this bill will pass in its present form. I do not think it should.

(Mr. KEMPTHORNE assumed the chair.)

Mr. WELLSTONE. Mr. President, I do not think this piece of legislation takes first priority. I do not think some of the amendments that are on the floor right now take first priority. I am not speaking about those amendments. There is not anybody who is going to speak on those amendments for a while. I do not think those amendments should take priority. I do not think the budget, if we get to the budget sometime this week, should take priority. I do not think there is anything we could do this week that would be as important as providing people, families, who have been through just total devastation with a helping hand. Can't we do that? Can't we just provide people a helping hand? Can't we give people some confidence they are going to have some assistance so they can move back into their homes? Is that too much to ask? Can't we give some small businesses some confidence that there is going to be some access to capital and some assistance so they can start up their businesses again?

I want to tell you something. Maybe some people think some of this is funny, but I want to tell you something. A whole lot of these people, these homeowners and these business people, are leaving. They are not going to be able to stay in these communities, I say to the majority leader, who has helped us, who has done a good job, and I thank him. These people are not going to be able to move back into their communities. A lot of these people are going to leave. That is what we are now here on.

So, Mr. President, I think it is appropriate that I take the floor and speak about this because I am hearing this from people in my State. And I know other Senators are hearing this as well.

Mr. President, this is a letter from the mayor of East Grant Forks, Lynn Stauss, again, who has just done a yeoman job, to members of the task force, the Minnesota Recovery Task Force:

Please accept the following information as our preliminary application to the Minnesota Recovery Disaster Task Force. We hope the data we have included will assist you in assessing the level of damage in East Grand Forks and allow us to receive early consideration in the coming discussion on recovery activity in our State. We consider our position to be worthy of a serious share of the Federal and State funding that will come to Minnesota. I know that you have been apprised of our damage situation throughout the Nation and statewide media over the hours of this disaster. Our city staff would welcome the opportunity to answer your questions at any time. Thank you for your time and consideration.

Lynn Stauss, Mayor, East Grand Forks.

Now, Mr. President, what I have here—and it will take me a little bit of time to read this application—is the application from the mayor. I want to emphasize one more time—and, Mr. President, I would like to apologize to some citizens who have come here today who are here during our proceeding. Normally we have debate on amendments, and when I start reading from some of this I fear that for some people here that will not be—without knowing the ins and outs of all of this, it may not be relevant, but I want to just make it clear one more time I once in a while come to the floor of the Senate and do this, but not very often, and I think those of us, whether we are Democrats or Republicans, don't come to the floor of the Senate and do this and hold the floor unless we really feel strongly about something.

But, Mr. President, I do feel strongly about this. Time is not neutral. Time rushes on. There are too many people who are hurting. They have asked for assistance, and we have got people who are playing games here. There is no other order of business that should come before our passing this emergency supplemental bill that provides disaster relief to people who have been through hell. They deserve our help, and they should not have to wait. They should not have to be out there twisting in the wind. They should not have to wonder what in the world is the matter with us. This bill ought to pass this week. This bill ought to pass today. I would be proud or pleased to leave the floor right now if I only thought something was going to be done.

Mr. President, let me go on and read from this application. This is just from East Grand Forks, really not talking about—I was in Ada, MN. In Ada, MN, it was just devastating. The school was completely flooded, much of it destroyed. They are going to be able to renovate the school, but can you imagine this? Here you have the school completely destroyed. It is going to be rebuilt, but somehow those students and the teachers and the support staff and the superintendent and the parents and the neighbors all banded together, and other schools will take in those kids and those kids are now finishing school and they are going to graduate. That is inspiring.

I will tell you something, Mr. President. What is not inspiring is this Congress. What is not inspiring is the House of Representatives. What is not inspiring is the Representatives or Senators who put extraneous measures onto this piece of legislation and are not willing to get the assistance to people who need it now. That is not inspiring. We do not set a very good model for young people when we cannot stop playing games and just provide assistance to people who need that assistance.

In Ada, as well, their hospital was just, again, devastated. They had to, in the dark of night, I think it was late at night, 10, 11, 12 o'clock, they had to take elderly people out of the nursing home, had to evacuate them. It was just unbelievable what people went through. Can you imagine a hospital destroyed, the community center destroyed, the school destroyed? And can you imagine what it would be like to, first of all, be flooded out and then you are faced with a blizzard and people do not have any heat? People go through all of this and they continue to flourish, and the churches or the synagogues all come together and people help one another and somehow people make it through, although there is a lot of hurt and there is a lot of pain and probably some people are going to have to go through a fair amount of counseling to get through all this. But at the very minimum couldn't this Congress—I say this now to the majority party—pass this emergency supplemental bill now?

Doesn't emergency mean emergency? Could not we provide this assistance to people now? Is that too much to ask? Is that too much for the people of Grand Forks, ND, to ask? Is that too much for the people of East Grand Forks to ask? Is that too much for the people of Warren, MN, to ask? Is that too much for the people of Ada, MN, to ask?

I heard my colleague from North Dakota, Senator CONRAD, this morning. I

thought he was eloquent. He said something like how many more days do people have to wait? I think that is an important question. How many more days, how many more weeks do people have to wait for help? How many more days do the people in our communities who are trying to rebuild their schools or hospitals have to wait? How many more days do the people who are trying to find out whether they are going to be moving or whether they are going to be staying or whether they are going to have money to rebuild their homes or to rebuild their businesses, how much longer do they have to wait? How much longer do senior citizens, many elderly people—a very high percentage of our smaller towns and communities really are comprised of elderly citizens. How much longer do they have to wait to know whether they are going to be able to live there?

The answer will be determined by what we do or what we do not do. I am determined as a Senator from Minnesota to do everything I can to make as many of my colleagues as uncomfortable as possible until we take action.

Let me repeat that. Whatever I can do to make those who are responsible for this delay uncomfortable, whatever I can do to focus attention on their irresponsibility, to focus attention on their insensitivity, to focus attention on their callousness, whatever I can do to make it clear to the leadership of the House of Representatives it is time to get serious, it is time, as my children would have said when they were younger, to get real I will do.

Mr. President, this application form—let me read from this form:

The flooding of April 1997 caused hundreds of millions of dollars in damages to private properties, infrastructure and businesses in the city of East Grand Forks.

Mr. President, I think what I am going to do is actually read this slowly because right now time will move on slowly on the floor of the Senate:

Damage to housing ranged from complete destruction of the properties to severely damaged basements, electrical systems, and heating systems.

By the way, built into this disaster relief bill—and I thank my colleagues, both Republicans and Democrats—is some assistance in the low-income home energy assistance program, the LIHEAP program—Senator STEVENS helped us on that—which will enable people, for example, to buy new furnaces, which will be a big help. Again, it will not happen, it will not happen until this disaster relief bill is passed:

The vast majority of single family and multifamily dwelling units sustained damage. Similar damages to privately owned commercial properties occurred. Beyond the costs of the physical damage, these businesses have also been forced to deal with the economic loss associated with being unable to operate. Many have been unable to reopen and those that have to deal with having lost employees.

That is another issue, Mr. President. I know that when I went to Breckenridge, it was just really poignant because there I met with all of these small business people. It was not a meeting that had been arranged. I just came up to look at the flooding. And as soon as I came into the community, all of these small business people came up to me—and I am not putting them down at all, you understand—and they were absolutely desperate. I mean, there was just desperation and fear; they were really so frightened. And they were saying, look, we can't make this unless we get some assistance. And, Senator WELLSTONE, if you just give us loans, we can't cash flow those loans and we are not only worried about ourselves, we also are worried about our employees. Well, you know what? All the time I hear speeches given about small businesses, "Oh, we love small businesses. They are just like family farmers." We love them in the abstract.

You know what? We have a lot of small businesses in Minnesota and the Dakotas that have been flooded out. We have a lot of small businesses that want to rebuild their businesses. We have a lot of towns that depend on those small businesses.

I hear my colleagues always say they are for the small businesses. You know what? The best way you can be for small businesses this week is to do something concrete, which is to stop playing games with this disaster relief bill, pass this piece of legislation, and get the assistance to people so they can start their businesses up again, so they can at least begin the process of rebuilding.

The mayor goes on to say:

The magnitude of the loss has forced the city to move forward on the implementation of measures to minimize the future possibility of a similar event occurring. At a time when the city is forced to deal with the enormous expense of reconstruction, it is also faced with considering the huge expense of future mitigation.

This is going to be a much bigger part of what we do in the future, which is mitigation, which is to try to figure out how to prevent this from happening in the first place. So people who are living in a 100-year floodplain are not necessarily going to live there. We are going to relocate some people. We are going to relocate some businesses. We are going to do that in lots of parts of this country. That is going to be a bigger part of what FEMA and other agencies do as well.

The city is currently in the process of planning the construction of a dike-levee system which will ultimately result in the need to relocate households residing on the "west side" of the dikes. At this time, the final dike alignment has not been established. However, it is evident that at least 300 households will have to be initially relocated and ultimately 650 to 700 households need to be relocated. Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties.

Mr. President, I have here somewhere a document where Kit Hadley, who heads up the Minnesota Housing Finance Agency, said the other day that this was one of the worst housing disasters in the history of our country. It is true. I mean, when whole towns evacuate, when people become refugees, when so many people are still homeless, people who worked hard all their lives, that is a housing disaster. It is a housing disaster, I say to my colleagues in the House and I say to my colleagues in the Senate, but especially in the House. It is time to get on with the work. It is time to provide some relief to people. It is time to provide people with some assistance.

Businesses located in the immediate downtown also will need to relocate, probably 10 to 15 commercial properties. Planning is underway to establish sites to which the business, primarily commercial and residential, relocations will occur. Several potential sites for residential relocation are currently being considered. Although no final decision has been made on the business relocations, the B-N triangle, a parcel situated immediately to the east of the current downtown district, is being considered. At each site to which the relocations will ultimately occur the establishment of essential infrastructure will be necessary—sewer, sanitary and storm water, and streets. Damage to infrastructure was citywide and included all of the major infrastructural systems.

Can you imagine this? Damage to the sanitary sewer, to the storm sewer, to the water system and the streets—all of that damage took place.

Other public facilities, such as public buildings, were also damaged, several beyond repair, including the city hall and the fire department. Damages to park and recreation facilities and buildings were severe and widespread. Among the public structures which were destroyed were three schools.

Mr. President, this reminds me of a poignant moment. My colleague from the 7th Congressional District, Congressman PETERSON, COLLIN PETERSON, spoke at graduation—I heard about this—to the students of East Grand Forks who had been flooded out, whose school had been destroyed. He said to the students, "You know, as much agony as you and your families have gone through, you have probably learned more than you could have ever learned in school"—and I think that is true—"about yourselves and, really, about your community."

I would add to Congressman PETERSON that I think people in our communities have learned about all of the heroes and heroines that there are. Someday—as long as I am on the floor here for a while—I am going to write a book. Maybe I can get my colleague from Missouri to coauthor it. Because this would cut across all parties and all ideology, and he is like this in terms of what he believes in. What it would be, there was a book written years ago

that should be immortal, by James Agee, Walter Evans was the photographer, and the name of the book was, "Let Us Now Praise Famous Men." It's a long story. Forbes magazine had commissioned James Agee back in the 1940's to go, I think, back to Alabama to write about the pathology of poor sharecroppers and tenant farmers. And he went there and lived with people. Mr. President, he, as opposed to his impression before he was there, and his thesis, he thought to himself, "It's amazing that under these conditions, people are able to survive or even flourish. They should be famous." So he wrote a very different kind of book with wonderful, powerful photographs.

We could do a book. The Chair is like this as well. Three of us could write this book, and we could title it, "Let Us Now Praise Famous Men or Women." It wouldn't matter whether they were Democrats or Republicans. What it would be, it would be about men and women in communities who do wonderful things in their community. You know what I mean? I mean, it wouldn't be cynical; it would be uplifting. It would be about all the people in our country who do really wonderful work in their communities. No one knows them. They are not nationally famous or internationally famous. They don't do it for that. But they should be famous.

Mr. President, only because I don't want to yield the floor, I would ask my colleague whether he would consider doing it with me, but then I would lose my floor privilege. But I am telling you, this would be a good book. There would be more Democrats profiled in the book than Republicans. But, you know, it would be more or less balanced. More or less.

To be more serious, it wouldn't have anything to do with parties. But there are a lot of great people in this country. And there are a lot of people who are unsung heroes and heroines. There were a lot of people in East Grand Forks and Granite Falls and Montevideo and Warren and Ada and Grand Forks who are heroes and heroines. Boy, I don't know how—I say to a former mayor—I don't know how the mayors have been able to do this. But we have had Mayor Owens and Mayor Stauss. They have been just unbelievable. Pat Owens has been—people have seen her. She didn't want it. I know that it would have been her prayer to have never had this opportunity to be such a national spokesperson, because she would never have wanted for this to happen in her community. But she has so inspired people, she has, over and over again, called on people not to give up and called on people to have hope, and has said we can rebuild our communities.

And now the big missing ingredient is our support, our assistance. We pass disaster relief bills when there are disasters. And this is a disaster. We pass emergency supplemental pieces of legislation when there is an emergency. I really think that we are doing one heck of a job in this Congress of souring people toward our political process by our failure to live up to just the sort of basic standard of decency.

Look, I don't like to say this. I should not say it because, I don't know, maybe I am giving ground here. But, you know, if some of my colleagues, some of my colleagues on the other side, if they want to have a continuing resolution and they are going to put it on this disaster relief bill because it gives them leverage—you do have leverage. You do have leverage. When people are desperate, it gives you leverage. If that is what they want to do and send it to the President, playing the game, knowing he is going to veto it, do it. Do it today. Get it done. Send it to the President, he vetoes it, it comes back here, then take it off. Everybody can claim victory. Whatever you want to do. Just get it done and just get this disaster relief bill passed.

This assistance from the Congress is not going to make people whole. It is not going to be enough. The only thing this does, it gets people at least a chance, at least a chance. Can we at least do that?

Mr. President, this is one of many articles I see here. Maybe there will be an opportunity while I am on the floor. I know there were also—I am looking for the author of this. It was in the Star Tribune. I also know the Pioneer Press—I read of the work of Nick Coleman in the Pioneer Press, which was very, very powerful. I may want to read from that, either this afternoon or tonight or tomorrow. I will not be on the floor all day and night. But I will be on the floor a lot over the next couple of days, over the next couple of weeks—who knows, over the next couple of months. I would think we will get this done.

But, you know what, my expectations are pretty low. I could not believe it, Mr. President. We had a press conference last week. I guess it was right before we went into recess. I said at this press conference—I guess it was Thursday, because we went into recess that Friday. I said that the House not sending us back something to work with, it was probably the worst—it was, for me—the lowest or most disappointing or worst time I had in the Senate. Because I thought that in the end, the goodness of people would come through. And even though people disagreed on the continuing resolution and whatnot, people would at least agree to agree on what we agreed on and get the disaster relief to people who were in such need.

There was someone at this press conference, a journalist. There was some laughter. I said, "Wait a minute. You know, I don't think I am being naive. I don't think this is naive at all to believe in the goodness of people, including my colleagues."

I love being a Senator. I get goose bumps when I have a chance to be on the floor of the Senate. I do. I never thought I would have a chance to be here. It is a huge honor, and every day you hope you will do your job well. You make plenty of mistakes, but you do your very best. It's a huge honor.

I was a teacher for 20 years. I want young people to be interested in public service. I like the people I work with. I enjoy people here in the Senate and I enjoy people in the House, agree or disagree. But there comes a certain point in time where, you know, the indignation just kind of takes over. And I have just run out of patience.

This is outrageous. This is outrageous. Frankly, I would say to people in the House of Representatives, who went into recess without sending that disaster relief bill over here and getting the job done, shame on you. Shame on you. Shame on you. Shame on you. It is not too much to expect for you to get some help, some assistance to people in our States who are in such pain and really need the help now.

They really do. Time is not neutral for them. Time rushes on. I mean, if they do not get the help, people are going to leave or families are going to just be under such pressure and without any hope, who knows what happens? But I will tell you one thing—I will tell you one thing, Mr. President—I do not want to go back to East Grand Forks and some of the other communities and look at people and try to explain to them why in the world this Congress did not take any action. I just cannot explain it. And the one thing I do know is, even if I inconvenience some of my colleagues, the one thing I do know is there isn't going to be anybody in Minnesota that is going to be able to say I did not fight for this, win or lose.

So I get to speak on the floor of the Senate now. And I will continue to speak on the floor of the Senate for a while. And then I just want to put my colleagues on notice: Everything you bring on the floor of the Senate, everything you bring this week and next week, I will look for leverage, I will somehow get to the floor, and I will do everything I can to put the focus back on getting emergency assistance to people in Minnesota and the Dakotas and our other States as well.

You know, we have some distorted priorities here when people want to play games with the lives of people who are in such pain, in such agony.

This is an article from the Star Tribune, Minnesota Star Tribune. It is called "Stains of Pain." Mr. President, the top of it reads, "The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?"

The people at ground zero of the Red River flood want desperately to get on with their lives. But how do they do that when they are adrift in such wreckage?

Grand Forks, N.D.—On Belmont Road, a fading sign propped against a sagging mound of clothes, furniture and appliances proclaims, "We are not what we own."

At the Darbyshire house on Polk Street, a battered house knocked off its foundation, a pink "condemned" notice is taped on the front door. Look down from the notice and you look into what was the Darbyshires' basement.

In north Grand Forks, in the Riverside neighborhood, a bright yellow house is stained dull brown to the eaves. The Riverside Park swimming pool is a sewage lagoon.

Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling. She tosses a scrap of something into the air, watches it fall, then tosses it again.

I am going to read that again. "Across the Red River, on the northwestern edge of East Grand Forks, a girl plays by the street, listless and unsmiling."

Mr. President, you are talking about a little girl listless and unsmiling. I guess so, given what she and her family have been through.

Maybe what we need to do is we need to understand that these words or these articles, this is not just a distraction, this is not just statistics, we are talking about people's lives.

This little girl, Mr. President, listless and unsmiling, should not have to stay listless and unsmiling. Little children should be smiling. Little children should be happy. Little children should be looking for their future. We ought to give this little girl and her family, Mr. President, some reason to expect that will happen. And yet we cannot provide disaster relief for people who have been flooded out of their homes? We cannot provide support for little children? Sounds kind of melodramatic, Mr. President.

Mr. President, I do not want to lose my floor privilege.

Mr. President, ask unanimous consent that my colleague from Kansas be able to give a tribute to Senator STROM THURMOND, after which I then would retain my right to the floor.

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

Mr. WELLSTONE. I thank the Chair.

I wonder if I could ask my colleague how long he might want to speak. It is fine for me however long he wants.

Mr. ROBERTS. I would tell the distinguished Senator from Minnesota that I do not intend to speak more than about 10 minutes.

Mr. WELLSTONE. I thank my colleague. Whatever time he needs. I just wanted to know how much time.

Mr. ROBERTS addressed the Chair.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. ROBERTS. First, I want to thank my colleague from Minnesota for letting me have this time. I know that he feels very strongly about this debate and wanted to make so many pertinent comments.

(By unanimous consent, the remarks of Mr. ROBERTS are printed in today's edition of the RECORD under "Tribute to Senator STROM THURMOND.")

The PRESIDING OFFICER. Under the previous order, the Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, let me, before entertaining a question from my colleague, a request from my colleague, let me read from an article. And I see my colleague from North Dakota, Senator DORGAN, is on the floor. Let me read from an article, "Stains of Pain," dealing with Grand Forks, ND. This was May 25, 1997.

It has been five weeks since the river swamped these towns. The river is back in its banks now, officially below flood stage, far from homes and businesses and children at play.

But the water marks remain everywhere.

Mr. President, I was just thinking, I know some of my colleagues want to speak, but I also see my colleague here from North Dakota. I wonder whether it would be possible, Mr. President, I want to read this article, and then if there are some requests about speaking, perhaps we could do that, although I then want to make it clear that on unanimous consent, my resumption on the floor not be counted as a second speech.

Now, I want to make it clear to my colleagues if they put in that request, that would be part of my unanimous-consent agreement. I also make a request, I know my colleagues want to speak about some other things, but, for certain, if colleagues want to speak about Senator STROM THURMOND, I do not want to interrupt that in any way, shape or form. If colleagues want to speak about Senator THURMOND, fine.

Otherwise, I know there are things a few people want to cover. What we are doing here today is saying we want to focus on this and this will be it. This is the issue. This is the action that should be taken.

Mr. DORGAN. Will the Senator yield?

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

Mr. DORGAN. I would like to come and speak for a bit. I understand, I think the Senator from Massachusetts does wish to speak a tribute to Senator THURMOND. I suspect the Senator from Missouri wishes to pose some comments on the debate today on the bill on the floor. Perhaps we can find a way to do that. I will come back and discuss the disaster supplemental bill at an appropriate time, probably in the next 30 minutes or so.

Mr. WELLSTONE. I say to my colleague from North Dakota, that would be fine. I would like to finish reading this article and then accommodate colleagues, but I also ask unanimous consent I maintain my floor privilege. If I could finish this, let me go on with this article.

On Polk Street, a block off Lincoln Drive, Paul Dilling stands in the front yard of his ruined house, which was submerged to the rafters. He stands by his water mark: A U.S. flag, muddy and torn, which he salvaged from the muck and stuck on a stick.

But it has been five weeks of misery for Dilling.

That is really the point I am trying to make. It has been 5 weeks of misery. People have been through misery. They have been devastated, and now they wait for this Congress to pass the disaster relief bill. That is why I am saying this should be the first item of business for us.

It is interesting, there is a St. Paul Pioneer Press editorial of May 23, with a headline "Congress Can't Resist Political Gamesmanship."

Congress has breezed out of town, leaving Washington for a long holiday recess. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

I know that my colleagues may want to have some floor time now, so I will be very brief. But let me just for a moment develop this point, and then I will keep my floor privileges. This is from the St. Paul Pioneer Press.

Now, I have not always agreed with the editorial positions of the St. Paul Pioneer Press. Sometimes I have, sometimes I have not. That is beside the point. Sometimes the St. Paul Pioneer Press will take editorial positions closer to the positions of the distinguished Chair or my colleague from Missouri. It is an interesting paper, and they, like any good editorial page, have their own integrity and they say what they think is right. But I just want to make it clear that this is not some sort of editorial written by Democrats trying to figure out a way to criticize Republicans.

CONGRESS CAN'T RESIST POLITICAL GAMESMANSHIP

Congress has breezed out of town, leaving Washington for a long holiday recess [right before Memorial Day recess]. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

We have had enough of this political gamesmanship. We have had enough of it. We have people in our States that are hurting. We have children that are homeless. We have children that have had to live through this devastation. We have families under duress. We have families under pressure. And the people in Minnesota and the people in the Dakotas and the people in some of the other States have every right to believe that the goodness of the Congress would come through and we

would provide them with the assistance they so badly need to rebuild their lives.

You have people in the House of Representatives that go on vacation as opposed to providing this assistance. That is why I am on the floor today. That is why I am staying on the floor. And now I hear that this week we may not pass this. This is outrageous.

One more time: If you want to have a debate about a continuing resolution budget, debate it. If you want to have a debate about parks and environmental legislation, debate it. But do not put it on a disaster relief bill. Do not hold good people that deserve our support hostage to your grand political strategy.

Today, it is an inconvenience. We have a bill on the floor. It is a slight inconvenience. People wanted to have a discussion on amendments, and we are not doing that today. It is not a major inconvenience. But you know what? I actually think, and I do not mean this in an arrogant way, I think I am doing some of the leadership in the House of Representatives a favor, because if, in my own small way, I can put any pressure on them to do the right thing, they will be better off, because they look terrible. They look terrible. You could do a poll in Missouri, Massachusetts, Minnesota, anywhere in the country, and 99.9 percent of the people in the country would say this is outrageous. Can't you people at least provide help to people when they need it? That is what this is all about.

I say to the St. Paul Pioneer Press, I am actually being a pretty good politician. I say first to the Star Tribune, both newspapers, this is a very good article, and there are many others. This editorial of the St. Paul Pioneer Press is right on the mark.

Now, this hurts. "Despite evidence to the contrary, congressional bigwigs * * *"—I hate to hear that. But you know something, it is too easy to do. Mr. President, I do not like it when my colleagues are called congressional bigwigs.

I tell you something, you are bringing it on yourselves. I actually do not know if I should use the word "leadership" in the House, because I think it is hard to say there is any leadership when you cannot move forward on a disaster relief bill.

But I tell you something, here is a headline in the Star Tribune, "Flood Relief"—and I say to my colleague from Massachusetts, I will finish up in a moment—"Flood relief, a political football, takes another bounce in D.C."

Congressional skirmishing delayed consideration of flood relief legislation Thursday, and the $5.5 billion aid package will not be approved until Congress returns from the Memorial Day recess early next month.

That is from Washington bureau chief Tom Hamburger, Star Tribune.

Well, Mr. President, I have plenty of articles to read from. I have applications from some of our cities that have been devastated. I will have time to continue to talk about what has happened, but I will tell you that if my being on the floor of the Senate at least for a while, at least for the rest of the afternoon, and then, as I say, all week and the weeks to come, every time I can come out here, any leverage I have to come out here and talk about this, I will keep pressing and pressing and pressing and pressing and pressing.

My colleagues are going to hear about people in East Grand Forks and Ada and so many towns, they will get tired of hearing about it. But you know what? I do not really care, because this is just outrageous.

I have some very good people I work with that are on the floor now, representing a broad spectrum of political opinion, Senator KENNEDY and Senator ASHCROFT, but I tell you something, this is not a great moment for the Congress, and I think it is outrageous what the House of Representatives did. This disaster relief bill has to get passed, and it has to get passed this week. The only way I know to try and do everything I can, there is no guarantee, is just to raise a lot of heck—I did say heck—on the floor of the U.S. Senate. I will continue to do so.

Now, I have other points I want to make, but I see the Senator from Massachusetts. I wonder if the Senator may have an inquiry he would like to make. I still have the floor, Mr. President, and I want to make it clear that if I do take any question from the Senator or give the Senator any time, I ask unanimous consent if the Senator wants to speak, either Senator, I ask unanimous consent my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Reserving the right to object.

The PRESIDING OFFICER. The Senator reserves the right to object. The objection is heard.

The Senator from Minnesota has the floor, and the Senator from Minnesota is recognized.

Mr. WELLSTONE. I am pleased to yield for a question, and, Mr. President, let me say before yielding, I do not understand the objection, but I would like to let colleagues speak about Senator THURMOND and cover some other matters, and I am pleased to do that as long, again, as I get unanimous consent resumption on the floor not being counted as a second speech.

My colleague has objected, I guess, for now.

Mr. KENNEDY. Mr. President, what I would like to propose, and ask the Senator if he would agree, is that I be recognized for a period of no more than 15 minutes. I will try to make it closer to 10 minutes. And, subsequently, I see Senator ASHCROFT, who is the principal sponsor of the underlying legislation which we are debating, and I know he has been here longer than I have and has some comments and also some requests in terms of perfecting amendments, I hope he would be offered time to be able to do that, and, subsequently, the Senator from Minnesota would be recognized and that there would be no objection to his speaking at that time.

Mr. WELLSTONE. Is this a question?

Mr. KENNEDY. Just trying to work this out in a way that is accommodating. I do not know whether the Senator from Missouri wanted to be included in the time.

Mr. WELLSTONE. Mr. President, I construe this as a question from my colleague from Massachusetts. And I have said before that I would be willing to enable the Senate to have the Senator speak and topics but that I want to do it within this time limit, and if the Senator from Missouri wants to speak as well but only with the unanimous-consent agreement that my resumption on the floor not be counted as a second speech.

Is the Senator asking a question?

Mr. KENNEDY. If the Senator will yield further, pending the agreement, which I hope would take place between the Senator from Minnesota and the Senator from Missouri, I would like to be able to ask consent to speak for not more than 15 minutes, and at the time I finish the Senator from Minnesota be recognized.

Mr. WELLSTONE. Mr. President, reserving the right to object, I will not object.

The PRESIDING OFFICER. I would like to just clarify where we are right now.

Only the Senator from Minnesota has the floor.

Mr. WELLSTONE. That is correct.

The PRESIDING OFFICER. And only the Senator from Minnesota may make a unanimous-consent request.

Mr. WELLSTONE. I thank the Chair.

I ask unanimous consent that my colleagues at a minimum be allowed to speak in testimonial to Senator STROM THURMOND and about Senator STROM THURMOND as long as my resumption on the floor not be counted as a second speech.

The PRESIDING OFFICER. Is there objection?

Mr. ASHCROFT. Objection.

The PRESIDING OFFICER. Objection is heard.

The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, that is fine. I thank the Chair.

Mr. KENNEDY. Will the Senator yield for a question? He can yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question in one moment.

Let me make it clear—and I will yield for a question in a moment—what

has happened here. I just want my colleagues to know that I am out here for very good reason. They would be out here if it were their States. The Senator from North Dakota is going to join me.

But, Mr. President, I have been willing to ask unanimous consent that Senators who want to speak—at least, the Senator from Massachusetts wanted to cover something else as well—but at least speak about STROM THURMOND be able to do so, who has served for so many decades in the Senate, and as long as my resumption on the floor not be counted as a second speech.

It is a reasonable unanimous consent. My colleague from my Missouri has not agreed to do that. I just want Senators to understand what is going on here.

I am pleased to go on and speak. I just think it is a shame that Senators who want to speak at least about Senator THURMOND are not able to do so.

Mr. President, I will go on. I believe my colleague has a question.

Mr. KENNEDY. I just want to apologize, if the Senator will yield.

Mr. WELLSTONE. I am pleased to yield for a question.

Mr. KENNEDY. If the Senator would not share my regret to Senator THURMOND for being unable to make these comments, I was unable to because of Senate business on the floor earlier today and intended to make these comments this afternoon. I hope he would understand that they are included in the RECORD, and I regret that I am denied the opportunity to make them here on the floor. It is a very unusual process of procedure in terms of senatorial courtesy. But if that is the way that is going to be, so be it.

Mr. WELLSTONE. Mr. President, I thank the Senator from Massachusetts.

Mr. President, let me continue.

Mr. President, let me now return for a while. We will get back to the disaster relief. Let me now turn to S. 4. I will speak some about S. 4.

Mr. President, let me also say to Senator THURMOND, before I do so, that I would like——

Mr. ASHCROFT. Mr. President, I would like to call the Senate to order under the Pastore rule.

The PRESIDING OFFICER. The Senator from Minnesota will confine his debate to the specific question pending before the Senate.

Mr. WELLSTONE. Mr. President, I will be pleased to talk about S. 4, and will do so.

Mr. President, we have here what is called the Family Friendly Workplace Act. Mr. President, in all due respect, it is hardly friendly to families.

Mr. President, as I have mentioned earlier, we have to approach legislation sometime in the sense of history. There was once an exchange I had on the floor of the Senate with my colleague from Missouri where we talked about a song, "Which Side Are You On?" Florence Reese actually wrote it. Florence Reese was a great troubadour for working people and for unions, especially mine workers.

Mr. President, when we were able to pass the Fair Labor Standards Act in the 1930's, that was an enormous step forward for working people.

This piece of legislation, Mr. President, essentially wipes out almost 60 years of people's history.

Mr. President, for those who are watching this debate, since we are going to talk about this bill for a while before we again talk about disaster relief by the rules that I am now under, for those people that are watching this debate, one of the things that was most important about the Fair Labor Standards Act was the idea of the 40-hour week. The idea was that if you worked overtime you would get overtime pay.

Mr. President, I am speaking without notes. So I don't remember the exact figures. But I believe somewhere in the neighborhood of 60 percent of those households with incomes under $20,000 a year depend on overtime pay.

So, Mr. President, one of the things which is a dear principle here is that there is no way as a Senator from Minnesota, which is a State that believes in economic justice, that I am going to let any piece of legislation, or at least to the best of my ability I am going to try to prevent it from overturning the Fair Labor Standards Act.

So, Mr. President, if you work overtime, you ought to get overtime pay. That is a cherished principle. This piece of legislation wipes that out. And it is called the Family Friendly Workplace Act?

Well, Mr. President, let me just make it clear that if you have a situation where you now have a piece of legislation that says that if people work 50 hours or 60 hours or even theoretically 70 hours a week, yes, they might only work 20 hours the next week under this legislation, or 30 hours, or whatever but they don't get any time and a half off. So it becomes a pay cut.

That is what it is all about. This isn't the Family Friendly Workplace Act. This is the Paycheck Cut Act.

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

Mr. WELLSTONE. I actually won't yield for a question right now.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. So this piece of legislation, Mr. President, which is supposed to be friendly to families establishes a new framework. It is not the 40-hour week.

Second of all, you have a flextime provision which says that you work overtime and then you can take some time off but it is hour for hour. You don't get time and a half off.

Mr. President, that hardly represents a family friendly workplace.

Mr. President, I regret what I just said to my colleague. He asked me to yield for a question. I certainly will. I got caught up a little bit in sort of the, you know, kind of anger from a couple of minutes ago. I am not being at all gracious.

Mr. President, I will continue to speak, but if my colleague has a question, I think he did, I will be pleased to respond.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Did my colleague ask me to yield for a question?

Mr. ASHCROFT. I did ask him to yield for a question.

Mr. WELLSTONE. I am pleased to yield for a question.

The PRESIDING OFFICER. The Senator from Missouri is recognized for a question.

Mr. ASHCROFT. I ask the Senator from Minnesota, Mr. President, if he is aware of the fact that under the bill that the only way you can be working more than 40 hours a week without overtime compensation is to do so as a result of a voluntary agreement similar to the voluntary agreement which is entered into now by Federal employees with their employers, whereby you can schedule a 40-hour week to average over a 2-week period.

Such agreements, in the Federal system for example, provide the basis for people to work 45 hours in the first week and 35 hours in the second week, and have every other Friday off. And absent that kind of voluntary written agreement scheduled in advance, no one can be asked to work more than 40 hours in a week without being paid overtime.

As a matter of fact, absent a specific voluntary agreement, all work—all work—is conducted under the bill as if it were conducted without the bill's existence; that only with voluntary agreements is there any change in the way the bill is done. And the voluntary agreement regarding overtime work when it provides for more than 40 hours in 1 week is pursuant to the flexible schedule that is now allowed as a benefit for Federal employees.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. Mr. President, let me respond to my colleague's question.

Let me first of all just say that I have spent enough time as a community organizer, and I have spent enough time with working people, many of whom are nonunion workplaces. One big difference, of course, is that with Federal employees and public employees that a much larger percentage of the work force are unionized and that I know that what in theory can look voluntary and look like a partnership isn't always the case.

Whereas, in theory it would look like an employer couldn't say to an employee, "Look. You know, here is my proposition. I want you to work 50 hours this week, and, yes, that is 10 hours overtime, but you get 30 hours

off next week. That is what I want you to do." In theory, the employee doesn't have to do it. But anybody who knows anything about the reality of many people in terms of what they deal with at the workplace knows that they don't exactly have a lot of power, and they are not exactly in a position to say no, especially when that job might be the only job there and they have to put food on the table for their kids.

People put up with a lot.

Mr. President, lest anyone think that I am some sort of devoted to class warfare, let me just examine the facts.

Last year the Department of Labor found violations of current overtime law in 13,687 cases involving 170,000 workers. They awarded over $100 million in back pay. The Department's Wage and Hour Division has a current backlog of approximately 40 percent of annual complaints.

In the garment industry, an investigatory survey conducted by the Department in Los Angeles last year revealed noncompliance with current overtime law in 55 percent of our shops.

In our subcommittee we watched the videotape feature from CBS news which chronicled a "Battle Against Overtime," apparently conducted systematically by one of the country's largest supermarket chains. The news item reported on the company's alleged practice of coercing employees to perform work off the clock; that is, without any pay in order to avoid paying overtime.

Mr. President, these practices may not be the norm for most employers but they do demonstrate the need to protect against a bill which will provide employers with a tool which they could use to avoid paying overtime.

So I have no doubt that my colleague means exactly what he says. There isn't anybody that believes anything other than that about it. He means what he says. But, what looks good in theory doesn't work in practice. That is the problem.

That is why, Mr. President, in the House of Representatives in the piece of legislation that they passed the only thing you have is the comptime. With comptime you get an hour and a half off for the hour that you worked overtime, or you get an hour and a half in pay.

That is why this piece of legislation has been called, even by some of the people in the House that supported that bill, too extreme. And it is. Because, Mr. President, what you are going to have here when you do away with a 40-hour week and you get into this 80-hour-week framework is all sorts of potential for abuses of power.

Mr. President, if we didn't have the record that I just read to you about some of the existing abuses, and the way in which there is forced overtime right now, I wouldn't worry about it. But, Mr. President, that is the reality. That is the reality. That is one of the problems.

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

Mr. WELLSTONE. I would be pleased to yield for a question.

The PRESIDING OFFICER. The Senator yields for a question.

Mr. ASHCROFT. The Senator cites 13,000 cases that were resolved or filed in the last year. It seems to me, that demonstrates that there is an enforcement mechanism in place, and that when there are abuses that are undertaken, either under the current law, which obviously isn't perfect, or else there wouldn't be any abuses, you know, I think that is really a wrong statement because you have abuses even under the best laws. The key is whether you have enforcement. Given the fact that you have enforcement and that you have double penalties under the law that has been proposed so that you double the risk for the employer, given the fact that the law talks about the fact that it shall be against the law to have either direct or indirect coercion or intimidation, and given the fact that when you define what coercion is in the bill, you find out that it is to intimidate, threaten, coerce, includes promising to confer or conferring any benefit such as appointment, promotion or compensation, or affecting or threatening to affect any reprisal such as deprivation of appointment, promotion or compensation, don't you think that the measures in the bill provide a safeguard, and that if there are violations they could be pursued just as aggressively under the new framework, which is a framework that is already shared by the Federal Government employees? Could not the enforcement personnel also enforce this kind of law, especially with elevated penalties and the increased description of coercion?

Mr. WELLSTONE. Mr. President, I say to my colleague, he raises a couple of important questions and good questions. The fact that the law does not work so well now does not mean that we now make the existing law even weaker with the hope that somehow it will work better.

That is my first point. My second point, Mr. President, is that we have a backlog. We have a significant backlog of cases, and my understanding is that another problem with the bill is that not only does the bill not exclude certain categories of workers, like people in the garment industry that should be excluded given the existing record, but you don't have the existing woman- and man-power enforcement. We are going to need more of that.

Third, I say to my colleague, I think what he is talking about would be helpful especially if we wanted to pass a piece of legislation and one of the areas where we would really have to toughen this up is we have to make sure that there is not any discrimination here.

I talked about this earlier. What I was talking about earlier is what many people as they now come to find out—at first I think people really liked the bill when they first heard about it. They liked the bill because my colleague is on to something important and he is trying to do something I think important. And that is, people were saying look, you know, if there is a way that we could have more flexibility and could be able to spend more time at home and we could have the flexibility to get the comptime and time-and-a-half off instead of time-and-a-half wages, we would like to have that option.

But what people are deathly afraid of, and for good reason, is what's going to happen is that in the absence of some sort of protection here against discrimination, there is going to be no guarantee that all too many employers are going to basically say, well, Senator ASHCROFT and Brian Ahlberg and PAUL WELLSTONE, there are three of you. Now, Brian Ahlberg and Senator ASHCROFT, you two folks, you want overtime work and you are willing to take time-and-a-half off but not time-and-a-half pay. We will give you the overtime work because, as an employer, as a company, I don't want to give you the time-and-a-half pay.

That is a huge problem. If we do not have some sort of a way in which we can guarantee that you will not have that discrimination, then a whole lot of families that are struggling to make ends meet may not be able to get that overtime pay that they depend upon.

So, Mr. President, let me just make it crystal clear that the bill's penalties right now for coercion do not cover the discrimination that we are worried about. And I would just make it clear that one of the things we might want to do is accept the Kennedy amendment which was turned down in committee that deals with discrimination.

The bill's penalties now apply to this kind of discrimination, and we are making progress. But, Mr. President, I am puzzled—I see my colleague on his feet, and I am pleased to take another question if he has one, but let me just say to my colleague that I am puzzled by the current approach we are taking.

It doesn't trouble me because I am able to speak about what I think should be the priority of this Congress, which is getting disaster relief to people in communities in Minnesota and the Dakotas, and I will be back on that at 5:20 or whenever I can, but I would say to my colleague, I am puzzled with the approach taken here because this bill is not going to pass, and yet my colleague is really—I mean, the last thing I want to do is say something that is going to offend him. I mean, I will in terms of different debate, but I am not going to do it personally, because he is for real. He believes in what he is doing.

It seems to me there is a way you could really get the flexibility for the

employees and you could really accomplish the goals of that, but I do not get to say that because he is the author. He probably feels he knows best. But I am telling you right now, if you do away with the 40-hour week, you are not going to get the bill passed.

You have this 80-hour, 2-week framework which we do not have in the House—their bill is more moderate—you are not going to get this bill passed. You have the flextime where you only get 1 hour off for 1 hour overtime, you are not going to get this bill passed. And if the penalties that my colleague talked about for coercion do not cover this kind of discrimination, then you are not going to get this bill passed.

Mr. ASHCROFT. May I ask the Senator a question.

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. ASHCROFT. May I ask the Senator, does he think the Senators on his side of the aisle intend to offer amendments that we can begin to process providing the kind of relief to the private sector that people in the Government area have in terms of these flex benefits? We have flextime benefits. We have comptime benefits. Flexible time, in particular, is available to governmental employees. In the 1996 survey conducted by the Census Bureau, only 6.6 percent of all hourly paid women, for example, got overtime pay in a typical work period, and if we are only going to deal with comptime, we are dealing with a very, very small number.

Now, when you talk about Federal Government employees and their ability to have flexible working arrangements, we are talking about a broad population, because flextime applies to those who do not normally get overtime work. Are there any—does the Senator know of any Senators on his side of the aisle who will be offering amendments to get that done?

Mr. WELLSTONE. Mr. President, a couple of points I would like to make to my colleague. The first one is, we will get to some of those amendments. We filed amendments. But I have to say to my colleague that we are not likely to get to those amendments until we pass a disaster relief bill. So the first answer to his question is just that; I do not think we are going to get to these amendments until we pass the disaster relief bill.

The second point I would make to my colleague is that I will be very interested in all of these figures. I do know that in, roughly speaking, 60 percent of the cases of families with incomes under $20,000 a year, you have a worker who depends upon overtime pay. And whether or not we are talking about women or men, it seems to me this is terribly important. Of women who work overtime, 38 percent of hourly workers earning overtime pay are women—38 percent. And 11.6 million women work over 40 hours each week.

Let me repeat that—11.6 million women work over 40 hours each week. This is 22 percent of the working women in this country. And 6.2 million women work over 48 hours each week. This is 12 percent of working women. And 2.3 million women work over 59 hours each week. This is the 4 percent of working women. So let me just——

Mr. ASHCROFT. Will the Senator yield for a question.

Mr. WELLSTONE. Let me just make the point if I could, Mr. President, it is really quite astounding, and it says something very fundamental about where we are in this debate. Thirty-eight percent of hourly workers earning overtime pay are women; 11.6 million women work over 40 hours each week. This is 22 percent of working women.

Mr. President, this is not surprising. This is not surprising at all because we have got in our country—let me just make this clear. In our country we have a paradox. On the one hand, we have this affluence which we are grateful for, but on the other hand, we have many families who are still unable to make a decent living and raise their children successfully, and many women are working full-time and many women are working overtime.

You have an alternative bill, if we wanted to have some give-and-take discussion, you have an alternative bill of Senator BAUCUS, Senator KERREY, and others which makes it clear that what we do is take in part what the Senator from Missouri has done, but we extend it and we say, look, there are going to be penalties and we are going to have some protection against discrimination so that an employer cannot say to a woman who is working, or, for that matter, a man, look, we will give you overtime if you take comptime but we will not give you overtime pay.

That is unacceptable. It is just simply unacceptable. And, Mr. President, that is where we say, if you will, in the words of Florence Reese, which side are you on? That is where we draw the line.

Mr. ASHCROFT. May I answer that question.

Mr. WELLSTONE. I would be pleased to take a question in one second. Let me just finish this. Let me just finish it real quickly.

I have to go back to this case of whose side are you on. We are on the side of working families when we make it clear that the 40-hour week is protected. And if you work overtime, you are entitled to time-and-a-half pay. We are on the side of working families when we make it clear that if you want to get some time off to be with your families and you have worked overtime, you should get time and a half. We are on the side of working families when we have a piece of legislation that makes it crystal clear that no employer can discriminate and put people in a position where the only kind of overtime work they are going to get is if it is your comptime and not overtime pay.

We are on the side of working families when we make it clear that for family and medical leave reasons, if you have banked your time and you have 30 hours of banked time and now you have a child sick or you have a parent that is ill, you can take that time off. You do not have to ask for permission.

None of those features are in this legislation right now, and therefore this legislation in its present form will go nowhere. And, yes, there will be amendments on the floor of the Senate, and, yes, there will be efforts to improve this bill. But as long as I have the floor, there are not going to be any amendments until we get to the disaster relief bill.

Now, I am not going to be able to stay on the floor forever, but that is going to be the point.

Now, Mr. President, I want to make it clear I can only yield for questions. So I cannot yield—I think the Senator mentioned he wanted to answer, he wanted to answer what I have said, and I would ask the Chair, am I correct, the Senator—I think he may have meant it differently. The Senator said I would like to answer the question. Am I correct I can't let the Senator answer any question; I can only yield to a question? So, Mr. President, I would be pleased only to yield for a question from my colleague.

The PRESIDING OFFICER. The Senator is correct. Does the Senator from Missouri have a question?

Mr. ASHCROFT. Yes, I do. I will try to phrase this in the form of a question. When the Senator from Minnesota asks whose side am I on, he indicated that 38 percent of the hourly workers, overtime pay workers were women. That really means that 62 percent are men. Almost twice as many men in the equation are overtime workers as are women and that really does not talk about the number of women generally who are workers that rely on overtime or have the chance to get overtime.

My question is, for the vast majority of workers that do not get overtime at all, and especially for women who are outranked about 2 to 1 by men in terms of the privilege of getting overtime, setting all those aside, you are doing something for the people who get overtime, and it is true that your proposal addresses those people and there are two men in that group for every woman in that group. That is what your own statistics basically show. So you are doing something for mostly men who get overtime. But for the people who do not get overtime and still have sick kids and still have families that have trouble and still need to have

flexibility in their workplace, what are you proposing for those individuals? And are there going to be amendments to this legislation that propose to do something to give them flexibility?

Mr. WELLSTONE. Let me just respond to my colleague in two different ways.

First of all, a pay cut where people are no longer able to get overtime pay or may be put in a position that they do not get overtime, time off for overtime worked doesn't help anyone. It does not help working women. It does not help working men. And it does not help working families. It is, if you will, elementary.

Second of all, as a matter of fact, if you look at the alternative—this is what puzzled me about my colleague here. If you look at the alternative that is being presented by Senators BAUCUS and KERREY and other Democrats, and I would assume there would be Republican support, as a matter of fact, that is exactly what we are talking about, which is what you have in this alternative. You have comptime—that is what it is about. It does not abolish the 40-hour week. It does not amount to a pay cut. It is time-and-a-half off for every hour you have worked overtime. It provides the protection against the discrimination so employers are not able to only give overtime to people who take comptime as opposed to people who need the overtime pay. It makes sure that you get the flexibility that we say the employees want.

That is part of it. The other part of it is, in all due respect to some of the employers in our country, not all of them—there are, of course, many great employers—the fact is—and in the subcommittee we heard testimony to this effect.

The fact of the matter is, right now there are all sorts of opportunities for flexibility. You don't have to overturn the Fair Labor Standards Act. People can work 4 10-hour days and then take a Friday off or a Monday off; they can work 9-hour days and work half a day Friday or take every other Friday off; people can come in at 7 and leave at 3; they can come in at 10 and leave at 6. There are employers right now that provide employees with that flexibility.

The real problem is that a lot of employers don't give employees that flexibility. So, all of a sudden I become a little skeptical, as a Senator from Minnesota, where we put a real value on economic justice and work and families, when the very people who do not give the employees the flexibility they could right now, come in and testify to the need for this bill. I remember we had testimony from a representative of the National Federation of Independent Businesses saying, "Look, we need to do this because we can't afford to pay overtime." All of a sudden I am saying to myself, "My gosh, this is not family friendly. This is going to lead to the functional equivalent of pay cuts. This is not about giving people the choice and flexibility they need."

Mr. President, we had an amendment in subcommittee. It was turned down. It's part of the alternative. It works like this: If you bank comptime and, for example, you have 20 hours that you have earned, it's your time. Now, if you have to go to your child's school, if you need to go visit with the principal or a teacher, or you need to take care of a family member, you can use your accumulated comptime to get that time off. We could do that. Then we would have real employee flexibility.

Mr. President, I ask unanimous consent that I be able to yield for the Chair to make an appointment and that I not lose my right to the floor and that my resumption on the floor not be counted as a second speech.

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

APPOINTMENT OF CONFEREES—HOUSE CONCURRENT RESOLUTION 84

The PRESIDING OFFICER. Under a previous order, the Chair appoints the following Senators to serve as conferees to House Concurrent Resolution 84.

The Presiding Officer (Mr. ROBERTS) appointed Mr. DOMENICI, Mr. GRASSLEY, and Mr. LAUTENBERG conferees on the part of the Senate.

FAMILY FRIENDLY WORKPLACE ACT

The Senate continued with the consideration of the bill.

The PRESIDING OFFICER. The Senator from Minnesota has the floor.

Mr. WELLSTONE. Mr. President, I see that I have another 15 minutes to speak about this legislation before being able to focus my attention on my major priority here today, which is the need to get disaster relief to the people in Minnesota and the Dakotas and other States, who deserve our help.

Mr. President, let me read a letter that I think is extremely important as we go through and debate this piece of legislation.

DEAR SENATOR LOTT AND SENATOR DASCHLE: The undersigned national organizations represent many of the working women of today. We believe passage of S. 4, the Family Friendly Workplace Act, fails to offer real flexibility to the working women it purports to help while offering a substantial windfall to employers. We urge you to delay consideration until a real solution can be found which truly meets the needs of working women and families. Nearly half of the work force is women and the number of women working multiple jobs has increased more than four fold in the last 20 years. S. 4 would affect hourly workers, and most hourly workers are women. The majority of minimum wage workers are women. Many of these women depend on overtime pay. Many of them want more control of their schedules, not less. Without strong protections for workers, the comptime bill will cut women's options and women's pay. For example—

And I will just read slowly.

Someone pressured into taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut;

Let me repeat that. That's an argument I have been making. These organizations which I will list in a moment are right on the mark:

Someone pressured to taking comp time when she really wants or needs overtime pay is taking an involuntary pay cut[.]

So, again I would say, when it comes to the enforcement machinery, you have to deal with this whole issue.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. I will be pleased to yield in just one moment. I will finish reading the letter and I will be pleased to yield:

. . . supporters argue that S. 4 is voluntary and employees have a "choice," yet working women who have for decades faced subtle (and not-so-subtle) forms of discrimination are all too familiar with the potential consequences of not going along with the employers' wishes: isolation, intimidation and retaliation; and

. . . because employees do not control when or if they can use their comp time, they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is pretty important because my understanding, with Federal employees get to make that choice. That is a big difference here:

. . . because employees do not control when or if they can use their comptime they are essentially being asked to gamble on the chance that they will be able to take time when it is as valuable to them as overtime pay.

This is my point again. We had an amendment which would improve this bill. We could pass this bill which says: Look, you bank that time. It's your time. It's your earned compensation. If you have compelling reasons that you need that time off, sickness of child, sickness of parent—you know, what's in the Family and Medical Leave Act—you should be able to take the time off. You should not have to ask the employer. It's your time:

S. 4 must be defeated. Women want flexibility in the workplace, but not at the risk of jeopardizing their overtime pay or the well-established 40 hour work week.

Sincerely, 9 to 5, National Association of Working Women, American Nurses Association, Business and Professional Women, National Council of Jewish Women, National Women's Law Center, Women's Legal Defense Fund.

Leadership Conference on Civil Rights.

I might also add there is a coalition of 180 national civil rights, religious

and working women's organizations which oppose this legislation: League of Women Voters, National Women's Political Caucus, National Women's Law Center, American Association of University Women, National Organization for Women, Women's Legal Defense Fund, National Counsel of Senior Citizens, NAACP, National Urban League, National Council of La Raza, Disability Rights Education and Defense Fund, Union of American Hebrew Congregations, Southern Christian Leadership Conference, National Council of Churches.

Mr. President, in addition, and then I will yield for a question, a couple of other organizations: Mechanical Contractors Association of America, Incorporated, National Electrical Contractors Association, Sheet Metal and Air Conditioning Contractors' National Association, AFL-CIO, American Nurses Association, National Education Association, American Federation of Teachers, Union of Needle Industry and Textile Employees, Service Employees International Union, Communications Workers of America, United Steelworkers of America, Communications Workers of America, United Auto Workers, the International Association of Machinists, Laborers' International Union of North America, United Brotherhood of Carpenters, International Brotherhood of Teamsters, International Association of Bridge, Structural and Ornamental Iron Workers, American Federation of State, County and Municipal Employees.

Mr. President, you know, it has become fashionable to do all this bashing of unions, but I have to say this. As a matter of fact, above and beyond all these women's organizations, unions really in the last half of the century-plus have been the only institutions which have consistently represented the bottom half of the population, those people who do not own all the capital and do not own the big corporations and depend on the wages and depend on being able to get overtime when they work overtime, and depend upon being able to bring in the resources to support families. It would seem to me, if this was such a great deal for working families and for working women, the very organizations which represent women and so many working people in this country would be all for it. Yet, you have major opposition.

So, I will be pleased to yield for a question, if the Senator has a question. But otherwise I will continue to make the case that this legislation, in its present form, is going nowhere. I am sorry for that, because my colleague has worked hard on it. But this legislation, it really violates some very cherished principles that have to do with fairness in the workplace: Decent wages, overtime wages for overtime work, and giving employees—employees—employees the flexibility. This legislation does not do that, Mr. President.

Now, Mr. President, since I have not been asked to yield for a question——

Mr. ASHCROFT. Mr. President, I ask the Senator if he would yield for a question? He had indicated earlier he would. If he still is of a mind to yield?

Mr. WELLSTONE. I am sorry, I am being careful about keeping the floor. I will be pleased to yield for a question.

Mr. ASHCROFT. I ask if the Senator from Minnesota is aware that the law would be enforced as it is written and not as it its characterized in that letter? I do not have any doubt that people could oppose the law as it is represented in that letter that was written by all the labor unions. The letter says that a person who takes comptime forever loses their right to the money. That is just simply wrong.

The law provides, not only do you have a choice about whether you want comptime, whether you want to be paid time and a half—and that is a clear choice and it is a choice that is to be made without any coercion, indirect or direct, or intimidation indirect or direct, or threatening—but, even after you have made that decision the law provides, not the letter but the law provides you can change your mind and decide to cash out your benefits. So, if you want the money you have the ability to say I am just going to take the money.

So, my view is I wondered if the Senator were aware of those kinds of things?

Second, if I could ask a second question, I wonder if the Senator is aware that there have been a group of people come to the floor over the last several hours who have come to me with amendments, some of which are specifically directed toward points of concern raised by the Senator, but that the Senator is unable to consider them as long as the Senator from Minnesota continues to monopolize the floor and to say that no one else will have a chance to work constructively on the bill?

Mr. WELLSTONE. Mr. President, let me respond to my colleague's second question first.

I am very well aware of the fact that Senators may want to come to the floor with amendments and I have said a number of times, and my colleague has been here during this long afternoon, I apologize for the inconvenience, but, quite frankly, right now my focus is not on whether or not some Senators can bring some amendments to this bill.

My focus is on men, women, and children back in Minnesota, in communities, many of whom have been flooded out of their homes, have been devastated, many of whom have supported one another, have loved one another. And right now they have been waiting and waiting and waiting, and waiting, and the House of Representatives went into recess and did not pass a disaster relief bill.

A disaster is a disaster. And an emergency supplemental is an emergency supplemental. So I am going to continue to be on the floor and I am going to continue to speak. If that means that the Senate cannot conduct business as usual, then I say to my colleague, that is the way it should be. Because, quite frankly, at this moment, at this point in time, my one priority is to fight like heck for people back in the State.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I actually will not yield for a question right now because I want to respond to the first question first.

Mr. President, I will just say to my colleague—and I put him at a disadvantage because I have the floor right now—that based upon my knowledge of him, and I do not know his as well as I would like to, I think he would be doing the same thing.

There comes a point in time when you do not have any other choice. You have to use your language. You have to be out there fighting for people in your State.

We tried to appeal, I say to my colleague, in answering this question, we tried to appeal to common sense. That did not work. We tried to appeal to the goodness of people. That did not work. We tried to appeal on the basis of "we have supported you when your States have been hit with these disasters and please support us." That did not work.

The leadership in the House, if you can call it leadership, did something which is unconscionable. They just went into recess. It was insensitive. And now I come back and people are still waiting. We do not even know whether they are going to do it this week.

So I say to my colleague, yes, if it means I am inconveniencing colleagues, Republicans or Democrats, I am sorry, but this is what I am going to do. And, you know, I will be here for a while and I will stay at this all week and next week if I have to, as well. I am going to fight for people in Minnesota. No apologies.

By the way, it does not matter to me whether or not the people who were flooded out of the homes were Republicans or Democrats or Independents or none of the above. They are entitled to some assistance, and they are entitled to it now. This Senate is not going to be conducting business as usual until we get our priorities straight.

In response to the first question, I guess this is an honest disagreement. I mean, this letter says that someone could be pressured into taking comptime when she really wants or needs overtime pay. That is what I

have been talking about. I believe they are right.

Mr. ASHCROFT. There is a second choice.

Mr. WELLSTONE. But, Mr. President, the fact of the matter is that it is only in theory. My colleague has constructed this theory, and it is a theory that employees have a choice. I have organized with people at workplaces. I have worked with people who are working under conditions that I sometimes say to them, "Look, you are going to lose your hearing. Or, you're breathing in substances that are going to take years of your life." They said, "We have no choice. This is the only job we can find." People do not always have the choice. It is not an equal power relationship; that is not the world of the workplace.

And even if my colleague was right—and I wish he was and this theory would turn out to be true and it would be the reality—why not, if you want a piece of legislation, why not err on the side of caution? Why not have a clear provision as in the alternative by Senators BAUCUS and KERREY and LANDRIEU? Why not have clear protection against that discrimination?

The second thing is, you can say that employees are protected from coercion, but it is not clear that that protects them from the discrimination.

Mr. President, the third point is whether or not people will be able to take their accumulated comptime and use it when they need to. And we do not have any guarantee of that in this legislation.

So, Mr. President, I think that the women's organizations and labor organizations that have written their letters and said, look, this is not going to help working people, are right on the mark.

Mr. President, I also want to cover for a moment the differences between the Federal workers program and S. 4. Let me just go over some things. Federal employees—I will read for a moment—have job protections that private sector workers do not. Federal workers are covered by civil service rules requiring good cause for discharge or discipline. Private employees typically are at-will employees, who an employer can fire or discipline for any reason or no reason. As long as we are talking about parity, maybe we ought to turn this around.

Mr. President, I would be pleased to go back to this debate later on. But now I want to focus on what I think is the most important priority for this Congress, and that is to get disaster relief to people in my State and to other States where people have been affected by the floods.

I would like one more time to say, I am sorry. I mean, I apologize to my colleague from Missouri, and I apologize to other colleagues for the inconvenience. But I have promised myself that I would do everything I could do. And I think maybe by speaking on the floor and holding the floor, I can get attention to this unfinished business, that I can put some pressure on people here—I am just being very honest about it—and I can just fight. This is the way you fight.

I hope, I say to my colleagues, that this disaster relief bill is put on the fast track and that people will get the work done. I want to be real clear that this has been, up until the last couple days before the Memorial Day recess, the opposite of sour. It was bipartisan. Thank you. I mean, thank you, Republicans; thank you, Democrats. We worked together. We put together a really good package. Senator STEVENS was very sensitive and very committed to what we were saying and went out of his way to help. The majority leader, Senator LOTT, was helping us. I do not believe that the House of Representatives being unwilling to deal with this, instead going home, was what the majority leader wanted. But this is the deck of cards that we have been dealt.

At this point in time, it is really a moral outrage. I am going to stay at this until the Congress does the right thing for the people in Minnesota, the people in the Dakotas.

This is an article written by Nick Coleman, Tim Nelson, and Brian Bonner, who are staff writers for the Pioneer Press. This will give colleagues a feel for why I am out here. This was written on Saturday, April 19, 1997:

The river won.

The Red River of the North overwhelmed months of massive efforts to keep it at bay Friday, bursting over, around and through the dikes of Grand Forks and East Grand Forks, Minn., surging down evacuated streets and rapidly drowning hundreds of homes.

Air raid sirens on both sides of the bloated river wailed ominously all day and night as first one dike, then another succumbed to the river, which in a few short hours made a mockery of the effort to contain it.

Late last night, Grand Forks Mayor Pat Owens interrupted local TV programming to urge the entire city of 50,000 people to voluntarily evacuate their homes and businesses and prepare for possible forced evacuation.

With the Red on the rise last night to a predicted crest of 54 feet—a full 25 feet above flood stage—the overmatched dike sagged like the sides of a child's sandcastle at the beach.

By the end of the day, several abandoned neighborhoods were swamped in roof-high water. After darkness fell, the situation appeared critical: Water had begun to seep up through downtown sewers, and the city's emergency operation center was forced to move from downtown to the outlying University of North Dakota.

On the Minnesota side, most of East Grand Forks was under order to evacuate and 400 additional National Guardsmen were on the way to aid the city of 8,000.

And I say to my colleagues, I was there the day that people from East Grand Forks evacuated. And the people, they were like refugees. People were dazed.

Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

A should have said earlier also that one of the amazing things was the way in which—and this would be the same thing in Missouri or Kansas—people from the adjoining towns took people into their homes. It was amazing. People showed up. Even towns with all the rivalry where the high schools were always in big football games against one another, and people hardly had a good thing to say about one another, partly out of rivalry, people just welcomed their neighbors. That was the goodness of people.

That is what is so frustrating. People have done it right. They have done exactly what they are supposed to do. They have showed a real sense of community. This Congress has showed no sense of community. People back in Grand Forks and East Grand Forks and Warren and Ada, you name it, and other communities, they have shown a real sense of goodness. We have not.

Mr. ASHCROFT. Would the Senator yield for a question?

Mr. WELLSTONE. I would yield for a question in just a moment.

Mr. President, I want to continue to read this article first.

On the Minnesota side, most of East Grand Forks was under order to evacuate—

Mr. President, I will yield for a question, but just for a question.

Mr. ASHCROFT. A point of clarification: Is the Senator aware that the U.S. Senate passed a supplemental appropriations measure that would carry the relief? I think the Senator is aware of that. And when the Senator says this Congress has been irresponsible, I wonder if he means what the Senate did was irresponsible when it passed that kind of relief or——

Mr. WELLSTONE. First of all, Mr. President, I made it crystal clear today that the House——

Mr. ASHCROFT. Well——

Mr. WELLSTONE. I will say to my colleague, I have the floor. I made it clear, Mr. President, that I cannot believe that the House of Representatives went into recess. But it is also true—and I have thanked colleagues in the Senate for their work—but I am telling you, somebody has got to make it clear, and our colleagues from the Dakotas feel just as strongly, and they have made it clear, that business as usual is not going to go on. We will use our leverage as Senators.

It is also true, however, that even on the Senate side, on the majority side, I am sorry to say, there is the idea that you should attach extraneous measures to the disaster bill. That is not acceptable. That was in the Senate bill.

All this discussion about a CR, good people back in our States do not understand what in the world people are

doing playing games. That is why I talk about this Congress.

Now, Mr. President, Let me go on.

Normally divided by the Red River, the two cities found themselves joined in misery by a spreading river that knows no borders. At nightfall, the last bridge linking them was nearly submerged.

Soon after that, the National Weather Service issued an ominous assessment, raising the crest forecast by a foot. "This situation is unlike any flooding conditions ever experienced in eastern North Dakota and northwest Minnesota." Confounded by the effects of overland flooding and a rapid melt, it was the fifth time in five days that the Weather Service had revised the crest forecast.

It didn't take an official bulletin to inform Grand Forks residents they were in deep trouble.

What was so sad about this, I had visited several times earlier and people did everything they could. There were high school kids out there sandbagging. It was a great community effort. People were working day and night. They started very early on. We knew we had a lot of snow. People were worried about this. They did everything they could to get ready for this.

It didn't take an official bulletin to inform Grand Fork residents they were in deep trouble.

The scene in the deserted Lincoln Park area of Grand Forks Friday afternoon was one of almost eerie splendor, with the sound of rushing streams of water drowning out all other noises except the whumping of Coast Guard helicopters overhead and the sirens. If it weren't for the fact that hundreds of homes were being devastated while their helpless owners waited out the flood in safety, you would think you were on the banks of an untamed northern river.

And you'd be right.

Millions of sandbags, millions of dollars, hundreds of thousands of hours and months of planning were not enough. Bolstered by a rise in the Red Lake River, which flows into the Red at East Grand Forks, as well as by unprecedented overland flooding to the south—upstream on the north-flowing river, the Red surpassed all expectations and its dikes with an ease that was awe-inspiring to witness.

Water spilling over the dike several blocks to the south was rushing knee-high along Lanark Avenue, then cascading down a block-long stretch of pavement that has been transformed into a foaming spillway.

A few blocks away, the surging river poured over a 12-foot-high dike on Lincoln Drive, roaring like a waterfall and threatening to burst, unleashing the massive amount of flood water that had been held back by the dikes until yesterday.

Fireplace logs, plastic snowmen, sofa cushions, and chunks of ice drifted past in the rapid current, sweeping past stacks of sandbags, shovels and piles of sand. "We're sad about our city and what's happening," Grand Forks Mayor Pat Owens said tearfully. "It is very devastating to all of us. If I were to say one thing to the people of Grand Forks it would be keep the faith and we will make it through."

Under a bright spring sky, with lovely cumulus clouds on the horizon and birds singing nesting songs, Grand Forks was receiving the pent-up wrath of a winter of record cold and snow. Temperatures soared into the low 60's for the first time in April and residents of Grand Forks dressed in short sleeves as they turned out by the thousands in one last-ditch effort to hold some of the dikes.

All nonessential businesses were asked to close and to steer their employees towards the front lines. Cars, pickups and National Guard trucks raced up and down the muddy streets of Grand Forks, giving the city the look of a wartime capital.

The scene in a packed McDonald's restaurant on South Washington Street seemed right out of a disaster movie. A woman, her sweatshirt caked with mud, sobbed as she embraced a friend and told him that her house in the Riverside Park area of the town was inundated.

Other muddy-booted patrons stood in line for a hot meal while, in the background, a TV emergency channel blared the latest warnings.

"Riverside, Central Park, Lincoln Park areas, please leave at once," the message said. "Critical areas at this time are the Olson Drive and Elmwood Drive areas. Take with you medication, pillow, blankets, immediate clothing needs."

Evacuation at dawn.

Evacuations along the Red River started before dawn: at 5:45 a.m., the City of Grand Forks sounded emergency sirens—even though almost 1,000 people in the lowest area of the city had left their homes hours before.

Authorities did, however, have to clear out a nursing home, relocating 106 elderly residents to the library of an elementary school a few blocks away.

All told, 2,000 residents of nearly 800 homes along the river in Grand Forks had been ordered to leave after the river starting pouring over the dike south of downtown.

By 10 a.m. the water was running knee deep in the streets, and by evening, it was lapping against the windowsills of a handful of the lowest homes.

Officials estimated that more than 4,000 people—nearly 10 percent of this city's 50,000 residents—would have to find shelter elsewhere Friday night, and even more were moving away from an expected break in the city's Riverside dike. At 9 p.m., officials ordered the southern end of downtown Grand Forks to evacuate. A few hours later, the mayor made an appeal for everyone in the city to leave.

The Minnesota side.

On the other side of the river, East Grand Forks authority sent police cars through streets before dawn, exhorting the city's 9,000 residents to wake up and go immediately to the city's sandbagging facility to start filling bags.

The levees on the Minnesota side of the Red River started giving way Friday morning, prompting frantic sandbagging in the city's Point neighborhood. It had been cut off after the Red Lake River—a tributary that is one half of the area's famed forks—turned out of its channel and started running overland.

Gary Sanders, a consulting engineer who works for East Grand Forks, Minn., estimated that as many as a third of that city's homes might have to be evacuated. He and other officials spent much of the day struggling to stem the breaches in the city's dikes, hoping that massive pumps might be able to drain the area of the city along the river.

A sandbagging operation in East Grand Forks turned into a crisis at midafternoon Friday, when part of a dike holding back the Red Lake River gave way. It sent water gushing through a neighborhood just south of the Louis A. Murray Bridge.

Dozens of emergency crews with heavy machinery rushed first to repair the breach and then to evacuate dozens of residents from their homes. Polk County Sheriff Douglas Qualley eyeballed Murray Bridge and expressed concern about whether it would hold.

There was reason for concern.

"We had just got done shoring up on the west side of the bridge," said [a volunteer]. "We went to take a break, and all of a sudden it just started coming in."

Mr. President, that was another impressive thing. Not only the high school students, but the ways in which all of the students—university, college, vo-tech, community college students—were out there volunteering. It is just incredible the way in which the worst of times can bring out the best in people. Sometimes I wish it would not take the worst in times. I wish we would all be like that all the time. But the students were great, really a great help.

Within 20 minutes, the southern section of the bridge was submerged and water—sometimes settling to depths of five feet—rushed south down Third Avenue Southeast.

Jim Maughton, an Army National Guardsman working on the bridge, said water gushed at "10,000 gallons a minute" at its peak.

Vince and Sue Taylor, carrying a couple of plastic bags, trudged along with their two children.

Mr. President, that gives you a feel for some of what was happening. This is Sunday, April 20, 1997.

A city was sinking in the night.

Occasional bursts of eerie blue light in the black sky signaled the demise of electrical transformers.

Water boiled up from the sewers, spurting in fountains that were quickly submerged in rising water as the river sought to equalize itself on both sides of failing dikes.

Downtown Grand Forks was going under. Dikes were giving way along both sides of the Red River of the North.

Like some proud ocean liner fatally damaged by an iceberg, Grant Forks was dead in the water, filling up fast. And there was not a thing anyone could do but leave.

Everywhere, between the warble of the sirens, emergency vehicles splashed through the streets, blaring warnings over loudspeakers. "All residents are ordered to evacuate this area. Get out now!"

Signs in dorm windows at the University of North Dakota said, "Build the ark." But arks weren't necessary in the darkness separating Friday from Saturday, struggle from catastrophe, hope from despair.

Mr. ASHCROFT. Will the Senator yield?

Mr. WELLSTONE. Mr. President, I only yield for a question, I do not yield the floor.

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

Mr. WELLSTONE. I am pleased to yield only for a question.

Mr. ASHCROFT. I thank the Senator for yielding for a question with the understanding he retains the floor after the question is asked.

Both the House and Senate passed the emergency supplemental appropriations bills. Conferees have been appointed by both of the Houses, but the

conferees must report out a conference report which must go to the House of Representatives first for passage before ultimately the Senate gets a chance to act on it.

Now the Senator, by expressing his concern in such a lengthy way—over concern, obviously, for individuals for whom we have great sympathy—the Senator blocks the Senate from doing its business even though the Senate cannot act on the emergency supplemental appropriations bill at this point in time.

Is the Senator aware of the fact that we are being kept from doing our business which is appropriate for us to do and that it is now impossible for us to act on a matter of greatest concern to him?

Mr. WELLSTONE. I say to my colleague that actually the conference committee is meeting to do their work right now and that goes on right now. Believe me you, when the conference committee finishes its work and we get this piece of legislation, then we will move on it right away and I will not be on the floor then. I think my colleague confuses matters a little bit in the terms of the sequence of all of this.

I remind my colleague one more time that the only reason—we should not be ahistoric. We only have to go to the question, why am I on the floor now? The only reason I am on the floor is because after all the work that we did in a bipartisan way to get help to people who really needed some certainty that they would receive some assistance, the House of Representatives' leadership decided not to do the work. They did not agree to let through what we do not disagree on. They did not do their work, and they went on vacation.

Now we are back here and I am on the floor of the Senate today, you bet, to signal to colleagues in the House and my colleagues here, let's get it done and get this bill out and stop playing games.

As to the inconvenience, toward my colleagues on other legislation which is important, I am really sorry, but in all due respect I do not think there is anybody here that is as inconvenienced by my holding the floor for a little bit of time today as are the people of Minnesota and the Dakotas. They are in the ones inconvenienced. They were inconvenienced by the House leadership refusing to do the work and just going on vacation. They have been inconvenienced by the games that people have played with this, attaching amendments dealing with a continuing resolution. People do not know a thing about continuing resolutions in Grand Forks or East Grant Forks nor should they have to.

They have been inconvenienced by other amendments that have been put on this bill.

I refer back to the St. Paul Pioneer Press editorial, in which the argument was made that it was important to stop playing games.

Mr. President, people are not stupid. People are intelligent. They know full well when they see Representatives or Senators using their pain as leverage. They know what is going on.

So, Mr. President, I again read an editorial. Believe me, there are plenty of editorials like this in papers in our States.

Congress can't resist political gamesmanship.

Congress has breezed out of town, leaving Washington for a long holiday recess. Despite evidence to the contrary, congressional bigwigs figured satisfying their political egos was more important than expediting flood relief legislation that would aid, among other backwaters, Minnesota and the Dakotas.

So, Mr. President, let me just be crystal clear about what is going on here. I come to the floor today to focus on priorities. And the priority should be simple. The priority for the House of Representatives and the Senate, for the conference committee, for our Congress this week, should be to pass a disaster relief bill. And I am going to make it very difficult for people to conduct business as usual until we do that. I think the Chair would do the same thing if it was Kansas. I really do. I am sorry to speak for the Chair. I know he can't speak. But I really think that it doesn't have a heck of a lot to do with party. It just has a lot to do with you just do what you can do to fight the people, and this is the way for me to do it.

Mr. President, since I have spoken a lot about what has not happened so far and what needs to happen, let me talk a little bit about Breckenridge. I have not spoken much about Breckenridge, MN.

In the dark, water lapped up the streets, moving as inexorably as the hands on a clock.

This is a piece, again, in the Pioneer Press by Nick Coleman.

Breckenridge was going under; the flood had outflanked the city's dikes.

In the worst flooding so far this season, hundreds of homes and businesses on the south side of Breckenridge were caught by a rapidly rising second flood crest that took the city off-guard and quickly became more devastating than the first wave of flooding that hit 10 days ago.

Bleary-eyed city officials, assisted by bone-tired troops from the Minnesota Army National Guard, evacuated 400 residents Monday night and Tuesday, trying desperately to keep the city of 3,700 from going completely under.

Mr. President, I would really like to thank the National Guard. I have not done that today. They have done a great job. It is incredible.

So many people back in Minnesota and the Dakotas have done a great job, and we have done such a miserable job here. I am not delaying disaster relief. My colleagues are delaying disaster relief. And as soon as the supplemental bill is ready to bring before the Senate, bring it before the Senate. Believe me, I will not stand in its way. This is entirely in the hands of my colleagues. It is entirely in the hands of my colleagues what happens. And I intend to be on this floor for some period of time to make it crystal clear that I am not going to be silent until we do the right thing here. It is that simple.

I ought to add that tomorrow evening the flood Senators will come to the floor and speak from 6 p.m. until 6 a.m. on the need for disaster assistance. I will get a chance to speak at 6 p.m. until 9 p.m. Do you know that 3 hours isn't enough time? I mean, there isn't enough time to try and make the case to my colleagues to do the right thing and please get the help to people.

By Tuesday evening, parts of south Breckenridge were under 5 or more feet of water and the floodwaters continued to swell. The water was so deep that when a 5-ton Army truck veered off the curb, a National Guardsman was shoulder deep in the driver's seat, craning his neck to keep his chin above water and reaching down to the submerged gears to drive it out. An exhaust stack kept if from stalling.

Residents dumped loads of dirt near a railroad line that cuts across town, hoping to stop the flood halfway through the city.

But officials worried the flood would encircle them from the north. Efforts to sandbag around a nursing home failed after a night of effort.

Dorothy Pierce, 77, came out of her house on the strong back of a 19-year-old National Guard trooper named Conrad Anderson, a specialist with the Duluth-based Co. C of the 434th Main Supply Battalion. Anderson ferried Pierce from her house on Second Street through the darkness in hip-high water to the safety of a Guard truck.

"I just moved here from Nebraska in November," Pierce said while sitting uncomfortably on a canvas tarp in the back of the truck as it made its bumpy way back to high ground. "We don't do stuff like this in Nebraska. I got here just in time for the biggest blizzard I ever saw and the only flood I ever saw."

Evacuated with Pierce was her son, Lonnie, his wife, Debbie, and the couple's three young children, Jena, 8, Donald, 6, and Dillon, 2. The children, sitting on the floor and clutching their mom, could be heard crying in the pitch-black covered troop carrier as it drove through the flood.

Mama, I'm scared and I'm cold and it's dark," Jena said to Debbie Pierce. "There's nothing to be scared of," Debbie Pierce reassured her children, hugging them tight. "We're all safe."

But under a hazy half moon and in a biting chill, Breckenridge was on red alert.

Crews of sandbaggers labored through the night Monday in a vain attempt to stave off the wandering Bois de Sioux River, which jumped its banks and went overland, creeping into the city from the unprotected southeastern side.

Everywhere, diesel engines throbbed as dump trucks carrying sand, flatbed trucks carrying as many as 50 volunteer sandbaggers and National Guard trucks on midnight mercy missions roared up and down the streets and slogged into the rising tide.

But the situation was critical, the weather nasty and the outcome in doubt.

"We face a real possibility of the whole town going under," police Chief Dennis

Milbrandt told the National Guard's Col. Gary Sigfrinius Tuesday morning as crews prepared to construct a makeshift dirt dike along the railroad tracks that separate the city's north and south sides.

Nearby, three 5-ton Army trucks slowly splashed through cab-high waters on Fifth Street, carrying 41 elderly residents of a senior citizens apartment building that was being evacuated as water poured into the first floor.

Reaching the still-dry railroad tracks, the gray-haired evacuees, clutching suitcases and wearing blankets to ward off the 30-degree temperatures and 7-degree wind chill, were helped off by teen-age Guard troops.

"I never thought I'd have to be fed by the Red Cross," said 79-year-old Margaret Olson as she was lifted in her wheelchair from the back of an Army truck. "I've had three strokes and colon cancer but this is something very different and I'm happy to be on dry ground again."

Lonnie Pierce, Breckenridge's utility director, said the rapid rise of the floodwaters had inundated both his family's home and his mother's home. After hours of battling with sump pumps and sandbags to try to save their homes, the Pierces had been forced to make a choice: Save the family or save the house.

"It came in awful quick here, awful high," said Pierce, 36. "Christ Almighty, we'll lose a lot of houses," he said, peering out the back of the truck as it chugged slowly past the silent, flooded homes of his neighbors, pushing a gentle wake through the black waters that lapped against the houses.

"There's just no end to this. We haven't gotten one break. All this water was out there and we couldn't do anything about it. It was bound to come."

Located where two swollen rivers—the Bois de Sioux and the Otter Tail—join to form the Red River of the North, Breckenridge picked a poor campsite.

Forecasters thought the Red River's record crest of 19.18 feet at Breckenridge last week was as high as if was going to get. But the river was at 19.10 and rising at midday Tuesday, with officials fearing it could pass 20 feet.

The first round of flooding damaged the city's north side, as the Otter Tail River overflowed. This time, it is the Bois de Sioux cascading into "South Breck," as residents here call the south side of the city.

I am going to go on, Mr. President, and read just for the Chair. I have been speaking this afternoon about a couple of different issues. But most of the time I have been focusing on the need to get disaster relief to my home. I again apologize to my colleagues who have not been able to bring amendments to the floor and to those who came and maybe didn't want to hear one speaker speak all day. But this is just an impossible situation.

I mean we have had people that have been flooded out of their homes. Almost everybody in East Grand Forks had to leave. We have schools and hospitals destroyed in towns like Ada, and people have done everything right. They have supported one another. And we are supposed to get some relief to them. Instead, people have been playing political games in the House of Representatives. Rather than getting the work done, they went on vacation. They went on recess. They didn't even have the decency to provide the assistance to people.

Now we are back in conference committee, and people are playing games.

So I am using my leverage as a Senator to be out here and to say we are not going to have business as usual for a while, and I am going to fight for people in my State. That is why I am out here reading about this flooding.

This flooding is much more severe than the first and the potential is worse yet: Breckenridge is looking down a three-barreled gun, with the possibility that the Red, the Bois de Sioux and the Otter Tail may meet in the middle of town.

"This whole year has just sucked," said Beth Meyer, a 35-year-old hairstylist who rode a National Guard truck into her flooded Seventh Street home after midnight to help evaluate her 10-year-old daughter, Samantha, and the family poodle, Whitney Houston.

Meyer's husband, Mark, and 13-year-old son, Kyle, remained behind, sandbagging and pumping to try to save the house.

In January, the roof caved in on the salon where Meyer works in Wahpeton, ND, across the Red River from Breckenridge. For the past three weeks, the Meyers and other South Breck residents have gone without phone service and been forced to go to an emergency phone bank outside the Wilkin County Courthouse, which itself was closed by floodwaters Tuesday.

The National Guard has taken over the school where the Meyer children already have missed four weeks due to blizzards and flooding. And since the first flood crest hit the city 10 days ago, the family has not been able to flush its toilets. If they needed to relieve themselves, cans were required.

Wearing a heavy Army jacket lent to her by a trooper, Beth Meyer maintained an exasperated sense of humor about the never-ending battle.

"We call this the Year from Hell," Meyer said as she gathered up her daughter in the dark.

"We're the South Breck Islanders. We're already talking about the party we're going to have this summer, if it ever dries out. We're all going to get together for an island party and we're going to have a little rubber pool in the middle of the street. With a sump pump in it."

"This is very scary stuff," said Scott Wermerskirchen, a 35-year-old science teacher who was helping out at a barricade Monday night. "I don't want to think about what will happen if we get an inch of rain. We might as well write a big check and shut the town down."

Although Breckenridge was continuing the fight, there was a palpable edge of discouragement in the chilly air Monday night and Tuesday morning, with the mood of the residents deflating with each increase in the water level.

"We got up this morning thinking we didn't have anything to worry about," said Kirk Peterson as he navigated in a fishing boat through the 5 feet of water in his back yard at 2 a.m. Tuesday.

The floodwater was almost up to the top of his garage door and was running through the first floor of the house where he and his wife, Jackie, live on Second Street.

"So much for finished oak floors," Peterson said acidly, using a flashlight to peer through the window in to his darkened home.

Peterson, a salesman, and his wife are "River Rats," meaning they belong to a Department of Natural Resources program designed to preserve and clean up state rivers. With his flashlight, Peterson illuminated a sign in his flooded window: "Please Keep the River Clean," it said.

Peterson and a friend, Errow Hensch, maneuvered their boat to a clothes pole in the back yard. Monday morning, when he first measured the rising waters, 11 inches of the pole were under water. By 8 p.m., 51 inches were under. And at 2 a.m. Tuesday, as his boat bumped against passing ice chunks and the strangely orange moon glittered off the water, the tide had risen to an even 5 feet.

"I hate to say it, but I wonder whether this whole city won't really go under," Peterson said as he steered the boat to help rescue a neighbor, Dave Shockley. "If we were smart, we would all have moved out in February."

Mr. President, as it turns out, Breckenridge was hit hard with flooding but not totally flooded out, and people are rebuilding and people are celebrating. Yes, they are celebrating the help that they gave one another. And I say to the Chair, because I know of his own small business background and his commitment to small business, it was in Breckenridge that I really first got a feel for what the small business people were thinking about. They took me to their businesses which had just been destroyed by the flooding, and they said to me, look, PAUL, or Senator, we are hearing about the Federal Emergency Management assistance, and we know they can do some repair for the infrastructure in the town, and then we are hearing about the Small Business Administration loans, but we can't cash-flow loans. It will not do us any good at all.

So all of us in a bipartisan effort got together, and we put together a good disaster relief bill with about $500 million in CDBG money for all the States affected. But this CDBG money was going to give the States, Mr. President, the flexibility to get some direct grant money to some of the businesses, and homeowners who needed it who could not cash-flow any more loans.

And that is what people are still waiting on. People do not know whether or not they are part of a buyout if they are living in a floodplain. People wonder, do we leave or do we stay? If we leave, are we going to have assistance? Is that coming? The State cannot make plans to do that. The cities cannot make plans to do that. The small businesses are still waiting. People are getting discouraged, and people are getting pretty angry. Frankly, they are probably angry at all of us. They are probably angry at all of us except for some of my colleagues from North Dakota, who have just been out here over and over again, and South Dakota and some of the other States; they have been speaking out.

But people just cannot understand the code here. They cannot figure it out. I think what people are thinking is, look, it is simple—in fact, it is a little embarrassing to me because after

we passed that disaster relief bill, I was so excited I did what I think the Senator from Wyoming would do. I got on the phone and had a conference call with lots of the small papers in smaller communities—big communities and big papers in heart—and I said we have passed this; it really looks good. And then, all of a sudden, all of a sudden now we have the games being played and people are thinking, well, we have leverage on this. We want to have leverage later on on the budget and on the appropriations bills so we have to have a continuing resolution.

You can do that separately. Do it on something else. Just do not play around with the lives of people who are really in a lot of pain.

Now, as I said earlier, if I cannot persuade people to just please back off of that for now, then get the work done right now and pass this bill and get it to the President. The President is going to veto it. He already said he was because of the continuing resolution. So the President will veto it. He has to do that. And then you can show that the President vetoed it and maybe you have embarrassed him, if that is what you are trying to do, and then let us pass it clean. Let us get all the provisions off this bill that do not have anything to do with making sure that people can rebuild their lives in Minnesota and the Dakotas.

That is all people are asking. So if you want to play your game, play it. I do not think you should, but if you want to play your game, play it, but why don't you play it in the next couple days. Because I will tell you something, if not, at least on the Senate side, whenever I have an opportunity to be out here and hold the floor, I am going to do it and we are not going to do a lot; we are not going to do much else. I put the people from East Grant Forks right now ahead of my colleagues in the Senate. I just think that Mayor Stauss and Mayor Owens and other mayors have waited too long. So whatever we need to do, whatever I need to do as a Senator, I am going to do.

Mr. President, this is another piece. And there has been some really good writing because the journalists that were covering this, they saw the pain. They knew what it was in personal terms. They saw the courage of people. They saw the devastation, but they saw just that incredible determination.

But for some reason here in Washington, DC, starting with that "leadership" in the House—I say leadership in quotes; we never translate it into personal terms—the leadership in the House decided to go on vacation. It is not what the majority leader of the Senate wanted them to do. It is not what my colleagues here wanted them to do, but that is what they did.

That is why I am in the Chamber. And now I am reading that we may not pass this this week. That is just outrageous. So, Mr. President, just so my colleagues know, I probably will maybe stay in the Chamber for about another 50 minutes or so, up to about 7 o'clock, and then I think I will have had time to talk about this today, and I will come back tomorrow and figure out a way of getting in the Chamber again, if I can.

By the way, Mr. President, I really should also mention that—I mentioned FEMA, James Lee Witt. I also wish to thank SBA, the Small Business Administration. What I said about some of the businesses that are worrying about cash-flowing more loans is true. But SBA, they have been on the ground. They have tried to help. The State people have been marvelous. The State office, Jim Franklin at emergency management assistance, that office has been great. Legislators have cared. The Governor has cared. Really, in our States, we are just forgetting the party part, trying to help people. And I want to just make it clear that a lot of people deserve a lot of thanks.

So, Mr. President, I will continue to talk about this. I want to make note of the fact that Senator DORGAN had come down to the floor earlier, and he is right now tied up in a meeting on the disaster conference report. They are in conference, meeting on it, getting ready for it, and that is going to be key. We are going to need Senator DORGAN's help. But I would just say to members of the committee, thank you for your commitment. The good news is we worked together in a bipartisan way and we had something good going and people really appreciated it and we did exactly what we are supposed to do: provide people with some relief.

The bad news is then people started playing games, and then people decided not to even finish their work and had the insensitivity and the gall to just go home, go home. It is amazing to me how some people can be so generous with the suffering of others. Can you imagine a group of legislators—and now, I say to my colleague from Missouri, I am speaking specifically about leadership in the House—saying, oh, well, you know, we got these disagreements and we can't get our work done. We can't resolve this. So they go home. That is being very generous with the suffering of a whole lot of people in the country, including people in Minnesota.

Well, Mr. President, we can have all of these arguments about what is in the pipeline, what is not in the pipeline. We heard from Mr. Raines today from the Office of Management and Budget that a lot of this, a lot of this money is not going to get out there to the communities.

I talked earlier about buyouts in construction. I told you Minnesota is a cold-weather State. We have to get the work done now because come mid-October or the end of October, we are not going to have time to do this at all. So one more time I would say to my colleagues, some of whom have been inconvenienced today, I apologize, but, in all due respect, the problem of time is a bigger problem for the people in Minnesota and North Dakota because time is certainly not on their side.

Think about this. There was a piece that I read earlier about the little girl who just sort of had a vacant look in her eyes and was really looking down and not playing like you hope and pray a child would play. We know what has happened. Just imagine, I say to people, what it would be like to be completely wiped out with a flood and no longer have your home and be homeless and then people in other towns take you in. That is Minnesota. But I bet you it is every State. I love to brag about Minnesota, but I bet it is in every State. The goodness of people comes out and people take families in and all the rest. But it is hard for families because you go back, now the water has receded, now you have to go back to your homes and now you have to look at this devastation and there it is before you. And you do not know what is going to happen next.

If you have lived in the floodplain, are you now going to move? If you haven't, are you going to have the money to rebuild your home? And you are just there and you do not know where you stand. And you hear that the Federal Government is going to help.

You better believe that over the years when my colleagues have come to the floor from Missouri or from California or from Florida and they have said we need help, there has not even been any question in my mind.

Well, that is the situation right now. The only question is, where is the soul of the Congress. I say to my colleague from Missouri, where is the soul of the leadership of the House of Representatives, who do not even get the work done and send back a bill to us. Well, this time, this week there is going to be a conference committee and they are going to do the work. I feel they will do the work. I believe my colleagues will spearhead that. We are going to get this done. And as I said before, the best of all worlds will be, please, just keep all the extraneous political stuff off. Let's just pass a clean disaster relief bill and get the money out there to people, get the help out there to people.

Mr. President, let me just read about Chip Rankin. I started to talk about him.

> [He] looked tired in his National Guard fatigues, stood in the pulpit of the Immanuel Lutheran Church on Sunday, reading aloud from the Gospel of St. Luke, [this is from the Pioneer Press of April 14] recounting how the apostles, frightened by a storm on the Sea of Galilee, wake Jesus from a nap and beg him to rebuke the raging waves.

An hour later, the 22-year-old wrestler—

Mr. President, did you hear that? Wrestler. Now we're really talking.

at the University of Minnesota-Duluth would find himself in troubled waters.

By the way, Mr. President, while I am speaking about wrestling, the University of Minnesota-Duluth had their wrestling program shut down. It was a real shame. The title IX program is a great program. I mean, as a father of a daughter who loves athletics and is a good athlete, and having one granddaughter, the idea of full participation of girls and women in athletics is right on the mark. But the shame of it is, in a lot of these schools, in order to reach parity, what they do is go after the minor men's sports, the sports that don't have the clout. It's a political issue, I say to my colleagues. The University of Minnesota lost their wrestling program. A real shame.

Mr. President, I am not without my biases, since I wrestled and love wrestling. I do think it is a real shame. There has to be some way to make sure this doesn't happen around the country. It is so unfair, gymnastics, swimming, other minor sports—who gets to define what's a minor sport? Baseball.

Rankin and a Guard sergeant were caught in a frightening torrent of water that threatened to wash his 2½-ton troop truck off a Norman County highway and into a forbidding sea of ice and water. Rankin's truck lurched and sagged, plunging into holes that were rapidly forming in the crumbling highway while a Hovercraft and men with ropes stood by in case they had to attempt a desperate rescue in the icy current.

God, and the National Guard, would come through. But it was close.

To some, it might sound like just another day on the Red River of the North, this spring of record flood. But it wasn't just another day. It was the Lord's day. A day when the weary people of Hendrum—those who haven't fled the flood—paused in their struggle against the water that surrounds them on three sides to worship in an extraordinary ecumenical service.

This was written by Nick Coleman. "Faith and the flood. It was a time of prayer, reflection and drama as Sunday came to the Red River of the North."

You knew it was going to be a different kind of service when you saw Rankin line up a dozen troops and march them, single file, into the church, reminding them to doff their camouflage caps. This wasn't a ho-hum Sunday go-to-meeting with everyone freshly scrubbed and in their Sunday best. This was a battlefield prayer meeting, with the enemy on the horizon and coming on fast.

It was a "come-as-you-are" service where the pastor sported a week's worth of grizzled whiskers and refused to take an offering because, he said, the people in the pews had been offering all week and giving all they could give. A service in a church where people have been sleeping in the basement and the congregants had mud on their boots and exhaustion on their faces. Where men and women wept without shame. Where some folks had to scoot out during the sermon to check on the pumps keeping the waters at bay. Where helicopters chattered overhead and where everyone looked at each other when the lights flickered, it being only a couple of days since the town got its power restored. Where the mayor read from Genesis about "the spirit of God hovering above the waters," and the police chief's daughter sang, "Yes, Jesus Loves Me." And where the psalm they chose for the day, Psalm 46, praised "a river whose streams make glad the city of God."

The Red River isn't in the Bible. But it has taken on Biblical proportions. And, for generations, through flood and drought, blizzard and blight, the response of the people along the river, many of them the descendants of devout Norwegian Lutherans, has been to roll up their sleeves and to put their trust in their God. Praise the Lord and pass the sandbags. Or, as they simply say in Hendrum, "toss 'em."

That was the tone at Immanuel Lutheran. . ..

Mr. President, I notice that my colleague from North Dakota is here. I would be pleased to yield for some questions, if my colleague has some questions. And then, if my colleague, who I know has been out here over and over again and back in North Dakota, wants to speak, then I would at that point in time—I would then ask consent to yield. But right now let me just ask my colleague whether he has any questions and respond to some questions. Then we will see what kind of unanimous-consent agreement we can get.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. Mr. President, I have the floor.

The PRESIDING OFFICER. If the Senator hasn't yielded the floor, he has the floor.

Mr. WELLSTONE. I have not yielded the floor.

Mr. President, I was getting ready to yield to my colleague. He looked like he was raising his hand to ask a question. So, if he had a question, I was going to yield for the question, that's all:

Mr. CONRAD. Yes. Understanding that I don't have the floor, I am simply asking the Senator from Minnesota some questions—without his yielding his right to the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has the floor and has the right to yield for a question.

Mr. WELLSTONE. I thank the Chair.

Mr. ASHCROFT. Has the Senator from Minnesota yielded for a question?

Mr. WELLSTONE. Mr. President, I haven't yielded for the question yet. I yield for the question.

The PRESIDING OFFICER. The Senator may proceed with his question.

Mr. CONRAD. The Senator from Minnesota has been here speaking about what we confront in North Dakota and Minnesota and South Dakota and the other disaster States. I would just ask him if he was aware of the recent editorial that appeared in the Grand Forks Herald on May 27? The bold headline in that editorial was, "4 Days Since Congress Let Us Down." And they posed the question, "How Long Will It Be Before Congress Gets to Work and Passes the Disaster Relief Bill?"

This is an editorial in the Grand Forks Herald. Grand Forks is the town that has been devastated by this remarkable series of disasters—first of all the most severe winter in our history, 10 feet of snow, followed by an incredible ice and snowstorm in early April that knocked down the electrical grid for 80,000 people, which was then followed by the 500-year flood and, in the midst of that, a fire that burned down nearly three city blocks in the city of Grand Forks that led, this combination of events, to the evacuation of virtually the entire city of 50,000 people. Mr. President, 50,000 people evacuated. We have not had that happen in America. That has not happened in American history where a town that large is virtually totally evacuated. And the neighboring town of East Grand Forks, that is in Senator WELLSTONE's home State, a city of 9,000, similarly evacuated—completely evacuated.

In this editorial, I am asking Senator WELLSTONE if he is aware of this editorial, this gives "11 Reasons To Pass Federal Disaster Bill Now."

We have heard a lot of talk from some, "Well, it doesn't matter that there has been this debate, it doesn't matter that they have had 12 days of delay; there is money in the pipeline."

There is not money in the pipeline for the Housing Department for buyouts and relocations. There is no money in that pipeline. There is no money in the Agriculture Department pipeline to give some relief to the ranchers across the State of North Dakota and across the State of South Dakota that have lost over 200,000 head of cattle. There is no money in that pipeline. And there is no money in the pipeline to allow the school districts that have taken the kids from the disaster areas to get reimbursed. There is no money in that pipeline. That is what is happening out in the State of North Dakota and the State of Minnesota and the State of South Dakota.

I ask the Senator from Minnesota if he is aware of the 11 reasons that were given in the Grand Forks editorial for the passage of the disaster bill now? The 11 points that they make in this editorial are:

No. 1, the need is great; 80 percent of the homes in that town of 50,000 people were damaged and several thousand are unlivable. We have thousands of people who are homeless, don't have a place to stay. We have hundreds and hundreds of people who are still on cots 6 weeks after the disaster.

No. 2, they point out that the disaster is different from others because it

affected the entire community and there is no nearby community that can provide housing and other support for flood victims.

The third point they make is that time is of the essence. Our construction season is short. In fact, the outdoor work pretty much has to be done by October 1 in our part of the country.

The fourth point they make is that hundreds of businesses need loans and other forms of assistance to get reestablished, and that those businesses underpin the economy in Grand Forks and East Grand Forks.

Fifth, they make the point that they need to make decisions about our homes and businesses. In order to do that, they need certainty about the resources available for disaster relief efforts.

The sixth point they make is the property, in the way of flood control, will have to be bought out. The buyout money will make it possible for people in the way of flood control works to rebuild their lives elsewhere in the city.

Mr. ASHCROFT. Mr. President, I raise a point of order. It is my understanding the Senator from Minnesota yielded for a question.

Mr. WELLSTONE. Mr. President, I still have the floor, and I intend to answer the question of my colleague.

Mr. CONRAD. The Senator from North Dakota is posing a question to the Senator from Minnesota.

The PRESIDING OFFICER. The Senator from Minnesota is entitled to one warning. It is to be a question.

Mr. WELLSTONE. Mr. President, if I might just inquire, I intend to answer the question. But the question embodies the eight reasons, and the Senator from North Dakota is going over those, asking me if I am aware of those reasons. I can't read that chart.

The PRESIDING OFFICER. That is understood, but the Chair will rule that a statement is being made rather than a question asked.

Mr. WELLSTONE. Fine. Mr. President, if my colleague, then, in the form of a question could summarize that?

The PRESIDING OFFICER. It is the duty of the Senator from Minnesota to guard his right to the floor. That is one warning.

Mr. WELLSTONE. Mr. President, I want to make clear I was not aware of the editorial and the Senator from North Dakota—well, I was aware of the editorial. I can't lie. I was aware of the editorial. Nevertheless, I need to answer, but I can't read it from here. I would like to respond to the question of the Senator.

Mr. CONRAD. I would pose a question, a point of order to the Chair.

The PRESIDING OFFICER. Does the Senator from Minnesota yield for a point of order?

Mr. WELLSTONE. Mr. President, I ask——

Mr. CONRAD. Perhaps I could ask that later and just continue my question of the Senator from Minnesota.

Was the Senator aware of this editorial in the Grand Forks Herald and the 11 reasons they gave?

Mr. WELLSTONE. Mr. President, I was aware of the editorial, but I do not remember all of the reasons. And as I go on and speak, it might help me if the Senator would be able to pose each of those points as a question, and then we could talk about it as I go forward.

I would be pleased to yield to the Senator for a question on each of those points, if the Senator has a question, but only in the form of a question.

Mr. CONRAD. Let me ask the Senator from Minnesota, very specifically, it has been reported in the press that this does not matter, this delay, that there is money in the pipeline. And in this editorial, they point out that it is true that FEMA is adequately funded, but that money is for immediate disaster relief, not for long-term rebuilding.

Was the Senator aware of that point that is in this editorial?

Mr. WELLSTONE. Mr. President, I am. It is a very important point. I say to my colleague from North Dakota that the key thing—and both efforts are equally important—that people need the short-term relief, but people need to think about how they rebuild their lives and whether they have a future. And that is what is so unconscionable about this delay and the House going on vacation before getting this work done.

I would say that to my colleague.

Mr. CONRAD. Is the Senator aware—again, I am asking a question—is the Senator aware that in this disaster supplemental is the money for housing assistance through the CDBG program that would allow the funds for the buyout and relocation of homes that are in the floodway?

Mr. WELLSTONE. Mr. President, I respond to my colleague that this is also an important point. The buyout of the homes in the floodway is key to the future for people. And the only way this can be done is through the CDBG money that is being held up right now.

And I say to my colleague from North Dakota, who knows this so well, that the awful thing is that so many people do not know where they stand. They do not know whether to move, not to move, where they are going to have a home. They do not know where they are going to be, where their children are going to be? People have been through enough, I would say to my colleague.

Why do we want to heap more pain on the people who have already been through so much pain? That is what is unforgivable about this delay. That is what is unforgivable about political games. That is what is unforgivable about our failure to just get the relief to people, to get this emergency supplemental bill passed. It is an emergency. Just get the disaster relief to the people.

Mr. CONRAD. In addition to the question of the housing not being available, is the Senator aware of the fact——

Mr. ASHCROFT addressed the Chair.

Mr. WELLSTONE. I have the floor.

The PRESIDING OFFICER. The Senator has a right to call the Senate to order.

Mr. ASHCROFT. Mr. President, I ask for recognition. The Senator from Minnesota yielded the floor without yielding for a question.

Mr. WELLSTONE. Mr. President, I yielded for a question. I made it crystal clear it was a question. The Senator from North Dakota asked me whether I was aware.

The PRESIDING OFFICER. The Senator has a right to yield for a question.

Mr. WELLSTONE. That is what I have done. And I have the floor.

The PRESIDING OFFICER. The Senator does not have the right to solicit a question.

Mr. WELLSTONE. I say to my colleague from North Dakota, if my colleague has a question, we will put it in the form of a question.

Mr. President, I will, in any case, just to save my colleague from Missouri some frustration—I am going to yield the floor in just a moment. I am going to finish up. I am going to respond to some questions that my colleague from North Dakota has put to me. And I will yield to questions from the Senator from North Dakota only for questions, but I intend to finish in just a few moments, I say to my colleague. I will be yielding the floor in about 5 minutes or so.

I will yield for a question.

Mr. CONRAD. I think it has been made abundantly clear the Senator is yielding to me for a question, not yielding his right to the floor.

The question I would pose is——

The PRESIDING OFFICER. The distinction here is whether the Senator has the right to solicit questions or whether the Senator has to ask to yield for a question.

Mr. WELLSTONE. I thank the Chair. Mr. President, I will keep speaking.

Mr. CONRAD. I ask the Senator from Minnesota to yield for the purposes of my posing a question to him.

Mr. WELLSTONE. Mr. President, I yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator aware that not only does the Housing Department not have funds that are in the pipeline, but then in addition to that that the Agriculture Department does not have funds in the pipeline, so livestock producers in our States, who have lost hundreds of thousands of head of cattle, have been in a situation in which they are delayed in receiving assistance that is in this disaster supplemental?

Mr. WELLSTONE. Mr. President, I am pleased that the Senator from

North Dakota has posed that question to me because I have been remiss in not focusing on livestock producers. The importance of funding that is not in the pipeline has everything in the world to do with whether our ranchers and producers are going to be able to get back on their feet.

So I say to the Senator, yes, I am aware of it. That is yet another example of families in our States—agricultural producers, who work so hard and are waiting for some help.

And I say to the Senator from North Dakota, earlier I quoted him because I heard the Senator say, the question is, how many more days do people have to wait? How many more days do the homeowners have to wait? How many more days do the small businesses have to wait? How many more days do ranchers, livestock producers have to wait? So I am aware of that.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. WELLSTONE. I will be pleased to yield for a question from the Senator from North Dakota.

Mr. CONRAD. Is the Senator also aware in the Grand Forks editorial, the 11 reasons they give for passing the Federal disaster bill now, they point out that not only the Housing Department does not have funds, those funds are not in the pipeline, the Agriculture Department does not have funds to address this disaster, those funds are not in the pipeline, and in addition to that, the school districts that have taken the children from the disaster areas, they do not have funds in the pipeline, and so those school districts that have taken on substantial additional costs are also being delayed in being compensated even though they have taken children from the disaster areas?

Mr. WELLSTONE. Mr. President, I want to respond to the questions because this is exactly what is going on. The Senator is raising these questions, and I am responding. And I thank my colleague from North Dakota, Senator CONRAD, because this is again another area that I really did not speak about and I should have.

It has been wonderful to see different school districts, a neighboring school district taking students and making sure they do not have to drop out of school, making sure they can graduate. That has been happening in Minnesota and North Dakota. That is the goodness in people.

I do not see much goodness in this Congress right now. I do not see much goodness in the House. I think we make a mistake when we go on vacation and do not come through for people.

I am aware of the fact that these schools are now waiting for some assistance for the extra costs that they have incurred in taking in other students and making sure those students graduate. And so I say to my colleague, I am aware of this, but I am glad he has emphasized this in the question that he has put to me.

Mr. CONRAD. Would the Senator further yield for a question?

Mr. WELLSTONE. I would be pleased to yield for a question.

Mr. CONRAD. Is the Senator aware that while some have said that it just does not make a difference, these delays are inconsequential, they really do not matter, that the people that I think we can turn to for the best answer as to whether these delays matter are the people who are affected most directly by the disaster, the people of Grand Forks, the people of East Grand Forks, and that they are telling us, their elected Representatives, that these delays do matter, that delay in the face of disaster is a disaster in and of itself?

Is the Senator receiving those same kinds of messages from his constituents as I am receiving from mine with respect to how significant these delays are?

Mr. WELLSTONE. Well, Mr. President, the Senator from North Dakota raises a very important question that I will respond to. And the question that he raises has to do with the effect of the delay both in a material sense in terms of economic resources but also in almost as serious a way, the way in which it erodes people's—it is personal— People need some certainty. People need to be able to plan for the future. People need to get through this.

This is a very difficult time. And our failure to act does not give people that confidence, does not give people that support. Moreover, I say to all my colleagues, in responding to the question from the Senator from North Dakota, the failure to act, the failure to get help to people, the playing of political games, has done an awful lot of harm. It has soured people and eroded people's confidence. That is a terrible mistake.

Mr. President, I say to my colleague from North Dakota that I am about ready to yield the floor in any case.

Mr. CONRAD. Would the Senator yield for a final question?

Mr. WELLSTONE. I will yield for a final question.

Mr. CONRAD. The Senator from Minnesota perhaps is aware that tomorrow a group will be coming from Grand Forks and East Grand Forks, a delegation of community leaders and business leaders. I think, perhaps the mayor of East Grand Forks is coming. I ask the Senator from Minnesota if he is aware of that?

Mr. WELLSTONE. Yes.

Mr. CONRAD. The message, as I understand it, is that they want to send a clear and unmistakable signal to the Congress and to the country that the time to act is now.

Mr. WELLSTONE. Mr. President, I am aware of the fact, and I will answer this question, I am painfully aware of the fact, as a Senator from Minnesota, that the mayors from Grand Forks, ND, and East Grand Forks, MN, and maybe some other mayors will be here tomorrow to say to the Congress, the time to act is now. And that is what I have tried to do today on the floor of the Senate, to say that as well.

That is what the Senator from North Dakota has said today and has been saying for a good, long period of time.

Mr. President, I hope that by holding the floor for a while this afternoon that in a small but hopefully significant way I have been able to speak for and to fight for and to help people in my State.

Mr. President, I yield the floor.

Mr. ASHCROFT addressed the Chair.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. ASHCROFT. Thank you, Mr. President.

I appreciate the opportunity to return to Senate bill 4. Senate bill 4, as you well know, is the Family Friendly Workplace Act. It was to have been the business of the Senate this afternoon. And I do understand the frustration of the individuals from the flood-ravaged States who have been victims of flooding and all. But I find it very difficult to understand why, especially when a conference report is being worked on, we have to insist that the Senate cease serving the Nation while the conference committee serves the people of the flood-ravaged areas. It seems to me that while we can do both, it would be in our best interest so to do.

And so with all respect to my colleagues who have sought to galvanize the public attention on the need to act here, I want to commend the members of the conference committee who are working to do exactly what they are being called upon to do to provide an opportunity for relief in those areas.

The Family Friendly Workplace Act is a way that we can help all Americans. We can help all Americans to balance the tension that exists between the workplace and the home place. We can help Americans who find that both parents are having to work in two-parent families. We can make sure that they have the capacity to spend the necessary time with their children that they need to spend.

So, Mr. President, I think it is important that we get on with the business of trying to provide to hourly-paid workers in this country the same kind of flexible working arrangements which have been available to others for quite some extended period of time.

As a matter of fact, in 1978, we began according flextime benefits to workers in the Federal Government system. It was done on a pilot project basis so that we could make sure we did not offend the rights of individuals and that we made sure that it was a workable system. For years, we inspected the

system, and it was extended to more and more workers.

In 1985, in the Federal system we made it available to Departments generally if they thought they could use those procedures wisely and if that would be helpful to people in balancing the needs of their families with the needs of the workplace.

The major components are these. When you work overtime, instead of being paid for overtime, you might want to take time off with pay later on so that you could make up some of the lost time you have with your family.

Most Americans do not realize it is illegal now for an employer outside of the Federal Government to offer an hourly paid worker time off with pay instead of paying the normal overtime pay. Now, it is, I think, an unjust situation where Government workers have a series of benefits that the private workers do not have. Similarly, Government workers, if they know they will be needing some time for their families can request to work an hour extra one week and take that hour off the next week so they can spend the necessary time with their families.

Now, there are ways that private workers have the capacity to spend time with their families, and it is under a rubric known as the Family and Medical Leave Act, and that is a Federal law, but it says that under certain narrow conditions if you want to take time off you can take time off but you have to take time off without pay, so if you want your child to go to the doctor or you want to take your child to the doctor you can give notice to your employer that you are going to do that but you take a pay cut in order to do that.

Now, if you knew you had a doctors' appointment next Tuesday afternoon and you wanted to tell your employer you would like to work an extra 2 hours this week to take the 2 hours off next Tuesday, that is the Federal system, available to Federal employees. You work the 2 hours extra this week, you get your work done, make the arrangements, take the hours off next week and you do not end up with a pay cut but keep your paycheck intact. That is very important.

I should hasten to add that nothing in this bill would in any way erode, undermine or abolish any of the Family and Medical Leave provisions which are to the benefit of employees across America, but in conjunction with those benefits this would add a new array of potentials. One of the potentials is that you could take time off to be with your family when necessary, with pay, instead of having to go under the Family and Medical Leave Act procedures which require that you take the time off without pay.

Now, most of us are familiar with the fact that not only do Federal Government workers have comptime and flextime proposals and State government workers have been authorized a very substantial comptime proposal and the boardroom folks have comptime proposals and the supervisors and managers and all the salary people obviously have flexible working arrangements, it is the hourly-paid workers of America who are being treated as second-class citizens. Frankly, they are in a minority. The majority of workers in this country have flexible working arrangements. Hourly paid workers do not.

I think it is time that the hourly paid workers have that kind of opportunity. That is what Senate bill 4 is all about. I do agree that it is important for us to act with expedition on the supplemental appropriations bill but, in my judgment, it is also important for us when we have the opportunity like we should have had today, especially while this appropriations matter is still in the conference committee, to make progress on meeting the needs of Americans, especially when we are talking about benefits that Government workers have been enjoying in the 1970's, 1980's, and all through the 1990's now. It is time we give the same kind of opportunity to workers in the private sector. It is with that in mind that I say that I look forward to the opportunity of welcoming amendments and proposed improvements to Senate bill 4.

Now, several hours were spent today in criticism of our proposal, but the fact of the matter is none of the amendments that have been filed have been filed by those who have been criticizing the bill. If, indeed, they want to do something constructively to help workers, I invite Members of the opposition to bring their amendments to the floor and to make their amendments available so they can be filed, so we can vote on those amendments, so we can take action on them, so we can make the improvements. We will upgrade what we really need to do to help the citizens of America who do not have this privilege.

It is my understanding that the occupant of the Chair might be interested in making some remarks on Senate bill 4. I ask unanimous consent after a quorum call which I will put in place that the occupant of the Chair be recognized to make the remarks, and the conclusion of those remarks be followed by another quorum call, at which time I be recognized again to finish my remarks.

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

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

The PRESIDING OFFICER. The clerk will call the roll.

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

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

Mr. ENZI. Mr. President, I rise today to again voice my strong support for S. 4, the Family Friendly Workplace Act. I have listened to several of my colleagues speak about this important and necessary legislation. I want to especially commend Senator DEWINE for his steady work in the Labor Committee and for Senator ASHCROFT for the many hours he has spent working on this bill.

I comment that today we have heard several speeches dealing with S. 4. We have heard several speeches that did not deal with S. 4. The other speeches dealt with a very important topic, too. They dealt with the disaster funding, but that was actually a filibuster against this bill. It was a request by certain people in this body that S. 4 not be adopted. They do not want people to have that kind of flexibility. It was a plea to do disaster relief, but it was directed to keep this bill from ever coming to a vote.

Disaster is on the mind of everyone that is affected. One of the things I have discovered in my years in the legislature and since I have been here is that the disaster is in the mind of the one who is affected as well. Everybody has different kinds of disasters. The disaster that was talked about for a long time tonight is being handled in the conference committee right now. There is another disaster in America that is being kept from being debated in this body, that is kept from being passed in this body, that a vast number of people in this country need. It is a disaster that is happening to them. There are people out there that need more flextime and comptime to be able to spend time with their families. Some of those people are married to Federal employees. That Federal employee is able to take that flextime and the other spouse is saying, why can't I?

In fact, in the early days when this bill passed that allows the Federal employee to do just exactly what we are talking about for the private hourly employees, the discriminated-against group, the private hourly employees, when we allowed Federal employees to do it we should have included the private sector at that time. We should have given them the same right that the Federal employees had.

I know that in Cheyenne, WY, at the Unicover Corp., some of the people that worked in that corporation were hired by the Federal Government. They got flextime and they got comptime. I want to emphasize they got flextime and comptime, both of the advantages that are being talked about in this bill. Not just one, like is being implied, both of those advantages were given to the Federal employee.

Their spouses said this is really a great idea. We should take it to our

boss and get it implemented, and they took it to the Unicover Corp., they took it to the management and the management said, you know, that really is a great idea. We should do it, and they did it. Then they found out that they were in violation of the law. The Federal employees could do it, the private hourly employees could not.

For 19 years the Unicover Corp. has asked Congress to pass a bill that would give them the same right as the Federal employees—not a different right, the same right. The same right for flextime, the same right for comptime. They are not asking for a special break that nobody else gets. They are just asking for an even break. Well, they found out they were in violation of the law and they had to end it. They have been working on it for a number of years to try and get it changed. I heard about it when I was campaigning and I said I do not know why we do not have that, and now I have a better idea why we do not have that.

Today, the Small Business Advocate Award luncheon was held here in Washington, DC, over in the Dirksen Building. I had the opportunity to attend, and I got to meet the Wyoming Small Business Person of the Year, and there were small business people from all over the United States there, being recognized for the leadership that they have taken in their company, in their State, to make a difference.

Marjorie Mathieson of Jackson is the Wyoming Small Business Person of the year, and I am very proud of her. That is one of the few manufacturing businesses in Jackson and it has been there a long time. They have gone through a number of different phases to keep current products that will sell to keep that small business in business.

She talked to me a little bit about the Family Medical Leave Act. Some people have suggested that is an answer for all of the problems of meeting flexibility. Well, it is not. And it should not be expanded to be the answer to all of those either, because it is a paperwork nightmare, particularly for smaller businesses. Now, that is limited to businesses over 50 employees. There has been a request to bring that down to a smaller number. What we need is this Family Friendly Workplace Act that will provide the same kinds of benefits that we are talking about, bringing in the more complicated system, and bringing it down to a smaller level where they cannot handle the paperwork.

A part of that business that the Wyoming Small Business Person of the Year runs is welding. They have five welders. Those welders make $40 an hour. Not bad. Five welders, $40 an hour. They want flextime and comptime. The business needs them to take flextime or comptime or both, and the reason they need them to take that is because they have work that has to be done. They have five welders. If one of the welders is to leave without doing some kind of a flex in the schedule, they lose 20 percent of their welding income. That is a significant portion of their business. That person loses $40 an hour. They do not want to lose $40 an hour. For overtime, they lose $60 an hour. They do not want to lose that. But the business can make arrangements for them to get flextime and comptime so that they can still have the time off, the revenue still comes into the business.

More importantly, the paycheck comes to the individual. They want flextime. They talked to her about flextime. Marjorie wanted them to have flextime. She allowed flextime, and then found out that she couldn't have flextime, that she couldn't have comptime, that she could not offer this benefit to the people that worked for her. Jackson has some Federal employees. Those Federal employees get this. But these guys that weld can't have it not because the business doesn't want to give it to them, but because we have a law against it. And that is not fair.

I have listened to the debate as we have gone through this topic. I am a certified professional in human resources. The Society of Human Resource Management, a national society, does education and testing in all of the areas of human resource management. When you complete the course and the testing, you can be certified as a professional in human resources. I have been through that process. They do an outstanding job of keeping track of the problems in the workplace. These are, for the most part, employees. I am not talking about employers. They are employees, employees who want benefits as well. And they see this as being a critical issue for the hourly worker in the workplace, a way for that worker to have more capability in their own scheduling.

Everybody recognizes that this bill has provisions in it that both the employer and the employee have to agree to before it can be done. It isn't the case of forcing the employee to do it. It isn't the case of forcing the employer to do it. I am telling you, there are businesses across this Nation that want this and want it badly. And it is usually the employees that bring the idea to the employer and say, "Why can't we do this?" You know, they just do not believe that, since they know that the Federal employees get to do it. They just do not believe the employer when he says it is against the law.

One of the biggest things raised in the hearing that we had was, "Well, you can be paid for your hours anyway. Then you can save that money from being paid for your hours, and when somebody gets sick, if there is a soccer match, if you want to go someplace, or if you want to have an anniversary, or any of those great things that people would like to have time off to do, then you can use this money that you save."

I ask you, how easy is it for you to save? It is pretty difficult. A lot of the people out there in the work force that we are talking about are women. They have gotten into the workplace because of some of the things that we have done back here. They have gotten into the workplace because of the way that taxes have gone up in the United States, the way that inflation has gone up in the United States.

We have a situation now where in most families both people work. One of them works to pay the expenses, the other one works to pay the taxes.

So it is not an option on whether they work or not. We asked a lot of women through the process in this thing why they didn't just bank the money and then use that money when they needed time off. And every one of them said to me, "When it is time that I am banking, it is mine. I can use it for my family. But if I accept that paycheck, if I take the money, that is the family's money. It has to go for all of those family expenses. And there are always family expenses."

But another unique part about this bill is that you can bank the hours and you can take the money. I don't know very many families in this country that do not come up with emergencies once in a while. If you have hours banked, there is a provision in this bill to be able to cash it in. So when the refrigerator breaks down and you don't have any alternative but to buy another refrigerator, even though it means putting off that vacation that you had planned, you can take some of the hours you have banked and cash it in.

So they see this as a way to bank money for emergencies and to have time for themselves, time for themselves that they invest in their family. They really want to go to the soccer match. They really have to go sometimes to take their kids to the dentist. They like to celebrate those anniversaries. And this is a bill that allows it.

The biggest complaint that I have heard about this bill is that there is a cap on the number of hours that they can have, a limit. And they say, "Why do you have a limit on that—240 hours? Maybe my boss wants me to be able to bank more hours and maybe I have a bigger event than 240 hours."

So that is a complaint on it. We are not even proposing that be changed. But we are asking for some consideration of the bill.

The American workplace is dramatically different than it was 60 years ago when Congress passed the Fair Labor Standards Act of 1938. We have all heard the stories about the dirty thirties from our parents. So I don't have to repeat them here.

I will, however, illustrate how nice it was for Congress to pass that Fair

Labor Standards Act to specifically address the numerous problems that existed back then. Cheap labor was abundant. Folks were awfully hungry for work. And there were many employers who took advantage of a bad economic situation. The 40-hour workweek did not exist. Overtime did not exist. Child labor was being exploited. There were some problems that stemmed from the trends of that era.

Under the circumstances, Congress acted, and acted appropriately, by passing the Fair Labor Standards Act. We are never going back to that. There is no suggestion of ever going back to that. But there is fine tuning that needs to be done.

It is important to illustrate how times have changed since the 1930's and why it is the responsibility of Congress to legislate for the present with the future in mind. As a certified professional in human resources, I have had the exhausting and daunting task of filling out the federally mandated forms and paperwork. I have worked one-on-one with my employees to try to meet their needs. Through it all, I have always found my employees to be well schooled and extremely intuitive. As a result, they inherently understand how the modern workplace functions. And the smaller the business, the better they understand how it works, the more connected they are to realizing that the success of that business and the time they spend there means their job and the way they work there means their job. They don't need someone to hold their hand and show them the way things work. That might have been the case 60 years ago.

I certainly don't view employee knowledge as a problem, but rather welcome it as an important addition to the mix. Employers have every reason to reward employees who clearly understand how to use their time in the workplace to its full advantages. America's working parents want to decide for themselves whether or not they want overtime or paid time off. This is a modern day reality that requires a modern day legislative fix. This act does not eliminate overtime pay, nor does it eliminate the 40-hour workweek. That kind of talk is simply nonsense. These things will stay just where they are, and the Family Friendly Workplace Act guarantees that.

Before coming to the Senate I was the owner and operator of a small business for 27 years. Folks in Washington, of course, have a completely different sense of what constitutes the small in small business. I have had several discussions back here about whether a small business is 500 employees or 125 employees. I can tell you that is not even close anywhere in America. A small businessman is one who sweeps the sidewalk and cleans the toilets and waits on customers. He does it all. He has to do it all.

We held a small business hearing in Casper, WY, early this year. I was real pleased to have the honor of chairing that in Casper. We had about 75 to 100 people show up for that, rotating out and others rotating through. When it was over, one of the news media people said to me, "How come you didn't have a better turnout?" I said, "That was a great turnout for a daytime hearing." Because we are talking about small businessmen. Quite frankly, they are different than big business because in small business, if they had one person that could take off for that day to just listen to a hearing, they would probably fire them because it would be one too many people. That is small business.

So that illustration is radically different from that of a big business that has the financial and the employer resources to institute very sophisticated job training and flexibility problems that sidestep the Fair Labor Standards Act of 1938. And that is being done now. There are ways, very complicated ways. But if you can afford the attorney fees and have the specialists, you can provide this for some of your employees—not all of them. But this bill will allow the small business person to have the big business advantage, that extra flexibility.

Sadly enough, small businesses are further behind under the flexibility of this 60-year-old antiquated law. That is a further reason for passing the Family Friendly Workplace Act. Personal computers, high-speed modems, cellular phones, pagers, and fax machines have all become commonplace in small business. Moreover, these popular commodities have paved the way for telecommunicating, telecommuting—a work environment that could not have been envisioned 60 years ago.

While the number of working women in our country continues to rise, so does the number of telecommuters and in-home businesses. A lot of businesses are being started in the home. Then when they expand bigger than the home can handle, they become an outside business. But there are a lot of them working in the home that will be the future successes in this country. It will be the future opportunity for people who want the American dream. They will start a small business in their home. It is happening because of the growing trend of spending more time at home with our families. If they telecommute, they don't have to spend an hour each way driving.

That is part of the flexibility. That is something that the modern age has provided us. It is impossible to bottle up workplace flexibility. But we have an antiquated law that is suggesting that we can. That is why it is so important to modernize this archaic Federal law that squelches any chance of giving American hourly workers more time at home with their kids, a true investment in our Nation's future.

Congress must legislate with the times to provide the opportunities for our Nation's parents to make that investment. It is often the case with a lot of families that both parents work. They do this, and they do it happily because they have to meet the bills. They also do it because they cannot get extra hours off from the job the way they would really prefer to do it unless they work for another business as well. If they work two jobs, they don't get any overtime. But a lot of them work two places. They don't get comptime. They don't get flextime. They don't get overtime.

This unfortunate trend in the business world can be addressed by providing this workplace flexibility with the choice of paid time off for flextime.

Times have changed and the Fair Labor Standards Act of 1938 does not permit employees to choose between paid time off or overtime pay. My experience is that there are a lot of people out there who know that if they take the money, they will spend the money. They want the time instead. I also found that fact to be more prevalent among women in the work force. They feel the need for the time to spend with their children, and they understand that money belongs to the family. They have a much stronger family belief than most of the men I have worked with. So they prefer to take flextime or comptime and use that for themselves or their family.

One of the businesses I worked for often had additional assignments that employees could take on, if they chose to do so. When we asked if the employees wanted additional work, they said "yes," if they could have time off the following week with compensation, but if they could only choose to be paid, they didn't need it. They would rather have the time off this week than to take the money next week. We explained to them that they had the capability of taking the overtime pay, not working the following week, and spending that extra pay that week. But somehow those paychecks don't get distributed at home quite the same way they do on paper or here.

I am hoping that everyone will reflect a bit on the trends that our modern work force is talking about and not the mandatory things that seem to be implied by this legislation imposed upon us. The downsizing problems today are leading to less flexibility as well as families making less money than if they were doing the job they preferred to do, not the second jobs they are having to do without getting overtime because it is a second job. There has been a tremendous increase in temporary positions in this country. This has taken flexibility away from the families. It has taken money away from the families. This a modern day problem that requires a modern day solution.

This matter cannot possibly be addressed by legislation that we have crafted to address the problems of the 1930s. We have taken care of those problems. We are not going back to that situation. But we need to adjust for the future. Indeed, our society is constantly driven by changing trends. I can comfortably argue that our society is one of the most trendy in the world, a fact that has kept America on the leading edge of technological innovation. We have been at the peak in technology and at the tail in taking care of the hourly worker.

I hope that before people begin making up their minds on this bill, they will take a close look at the language and what it really calls for rather than relying on misstatements, and I see those misstatements in the paper from time to time, misleading statistics, partisan posturing. Read the bill. Ask for a copy of the bill. Read the bill. It is amazing.

Our Nation's work force is calling for this much-needed change. I again urge my colleagues to support the Family Friendly Workplace Act. Bring this to a vote. Give the hourly working people of this country the opportunity to choose how they want to work, the way that they want to choose to help their families.

I thank the Chair. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

AMENDMENT NO. 265, AS MODIFIED AND AMENDMENT NO. 256, AS MODIFIED

Mr. ASHCROFT. Mr. President, I ask unanimous consent that the Gorton amendment, amendment No. 265, be modified with the changes that I now send to the desk. And I further ask unanimous consent that the Grassley amendment, amendment No. 256, be modified as well with the changes that I send to the desk.

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

The amendments, as modified, are as follows:

AMENDMENT NO. 265

Beginning on page 10, strike line 7 and all that follows through page 10, line 16 and insert the following: "time; respectively, by subsection (o)(8).".

(4) APPLICATION OF THE COERCION AND REMEDIES PROVISIONS TO PUBLIC SAFETY EMPLOYEES OF STATE AGENCIES.—Section 7(o) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(o)) is amended—

(A) in paragraph (7), by striking "(7) For" and inserting "(8) For"; and

(B) by inserting after paragraph (6), the following:

"(7)(A) In a case in which an employee described in paragraph (1) is engaged in work in a public safety activity, the provisions under subsection (r)(6)(A) shall apply to the employee and the public agency employer, as described in paragraph (1), of the employee to the same extent the provisions apply to an employee and employer described in subsection (r)(2)(B).

"(B)(i) Except as provided in clause (ii), the remedies under section 16(f) shall be made available to a public safety employee described in subparagraph (A) to the same extent the remedies are made available to an employee described in subsection (r)(2)(B).

"(ii) In calculating the amount a public agency employer described in subparagraph (A) would be liable for under section 16(f) to a public safety employee described in such subparagraph, the Secretary shall, in lieu of applying the rate of compensation in the formula described in section 16(f), apply the rate of compensation described in paragraph (3)(B).".

(5) NOTICE TO EMPLOYEES.—Not later than 30 days after the date of enactment of this Act, the Secretary of Labor shall revise the materials the Secretary provides, under regulations contained in section 516.4 of title 29, Code of Federal Regulations, to employers for purposes of a notice explaining the Fair Labor Standards Act of 1938 to employees so that the notice reflects the amendments made to the Act by this subsection.

AMENDMENT NO. 256

At the end of the substitute amendment, add the following:

SEC 4. APPLICATION OF LAWS TO LEGISLATIVE BRANCH.

(a) DEFINITIONS.—In this section, the terms "Board", "covered employee", and "employing office" have the meanings given the terms in sections 101 and 203 of Public Law 104–1.

(b) BIWEEKLY WORK PROGRAMS; FLEXIBLE CREDIT HOUR PROGRAMS; EXEMPTIONS.—

(1) IN GENERAL.—The rights and protections established by sections 13(m) and 13A of the Fair Labor Standards Act of 1938, as added by section 3, shall apply to covered employees.

(2) REMEDY.—The remedy for a violation of paragraph (1) shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 13A(d) of such Act, section 16(g)(1) of such Act (29 U.S.C. 216(g)1)).

(3) ADMINISTRATION.—The Office of Compliance shall exercise the same authorities and perform the same duties with respect to the rights and protections described in paragraph (1) as the Office exercises and performs under title III of Public Law 104–1 with respect to the rights and protections described in section 203 of such law.

(4) PROCEDURES.—Title IV and section 225 of Public Law 104–1 shall apply with respect to violations of paragraph (1).

(5) REGULATIONS.—

(A) IN GENERAL.—The Board shall, pursuant to section 304 of Public Law 104–1, issue regulations to implement this subsection.

(B) AGENCY REGULATIONS.—The regulations issued under subparagraph (A) shall be the same as substantive regulations promulgated by the Secretary of Labor to implement the statutory provisions referred to in paragraph (1) except insofar as the Board may determine, for good cause shown and stated together with the regulation, that a modification of the regulations would be more effective for the implementation of the rights and protections under this subsection.

(c) COMPENSATORY TIME OFF.—

(1) REGULATIONS.—The Board shall, pursuant to paragraphs (1) and (2) of section 203(c), and section 304, of Public Law 104–1, issue regulations to implement section 203 of such law with respect to section 7(r) of the Fair Labor Standards Act of 1938 (29 U.S.C. 207(r)), as added by section 3(a).

(2) REMEDY.—The remedy for a violation of section 203(a) of Public Law 104–1 shall be such remedy, including liquidated damages, as would be appropriate if awarded under section 16(b) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(b)), and (in the case of a violation concerning section 7(r)(6)(A) of such Act (29 U.S.C. 207(r)(6)(A))), section 16(f)(1) of such Act (29 U.S.C. 216(f)(1)).

(3) EFFECTIVE DATE.—Subsection (a)(3), and paragraphs (3) and (4) of subsection (c), of section 203 of Public Law 104–1 cease to be effective on the date of enactment of this Act.

(d) RULES OF APPLICATION.—For purposes of the application under this section of sections 7(r) and 13A of the Fair Labor Standards Act of 1938 to covered employees of an employing office, a reference in such sections—

(1) to a statement of an employee that is made, kept, and preserved in accordance with section 11(c) of such Act shall be considered to be a reference to a statement that is made, kept in the records of the employing office, and preserved until 1 year after the last day on which—

(A) the employing office has a policy offering compensatory time off, a biweekly work program, or a flexible credit hour program in effect under section 7(r) or 13A of such Act, as appropriate; and

(B) the employee is subject to an agreement described in section 7(r)(3) of such Act or subsection (b)(2)(A) or (c)(2)(A) of section 13A of such Act, as appropriate; and

(2) to section 9(a) of the National Labor Relations Act (29 U.S.C. 159(a)) shall be considered to be a reference to subchapter II of chapter 71 of title 5, United States code.

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—This section shall take effect, with respect to the application of section 7(r), 13(m), or 13A of the Fair Labor Standards Act of 1938 to covered employees, on the earlier of—

(A) the effective date of regulations promulgated by the Secretary of Labor to implement such section; and

(B) the effective date of regulations issued by the Board as described in subsection (b)(5) or (c)(1) to implement such section.

(2) CONSTRUCTION.—A regulation promulgated by the Secretary of Labor to implement section 7(r), 13(m), or 13A of such Act shall be considered to be the most relevant substantive executive agency regulation promulgated to implement such section, for purposes of carrying out section 411 of Public Law 104–1.

MORNING BUSINESS

(During today's session of the Senate, the following morning business was transacted.)

BAD SCIENCE AND BAD POLITICS: THE NEED FOR REGULATORY REFORM

Mr. LOTT. Mr. President, these days, just about every aspect of our daily existence is regulated in some way by the Government. And in most instances, it

makes sense because we must protect human health and the environment. We would all agree that food and drugs should be inspected, work conditions should be considered and safety measures must be enacted.

On the other hand, the Federal regulatory system is notorious for producing top-down, one-size-fits-all regulations that are often inefficient and ineffective. These regulations impose tremendous costs on business and industry, increase the costs of goods and services and reduce economic growth. Most importantly, too many regulations fail in what they are trying to do.

As I look more closely at the patchwork of regulation this Government has created in the last few decades, however, I see regulation for regulation's sake. We are witnessing an eruption of regulation based on inaccurate science, poor judgment, and bad politics. Most shocking is the fundamental lack of trust in the ability of the American people to take responsibility for their own actions.

I think it's time we returned to the basics, Mr. President. The central goal of regulating is to significantly protect human health, safety or the environment. When held to this standard, many regulations fall short of the mark. So how do we get from here to there?

First, agencies must begin issuing regulations based on sound science. This means one thing—that any Federal regulation issued must be justified by solid science. This principle sounds very simple, but many agencies have become obsessed with the power to regulate, forgetting that there must be sound scientific reasoning behind their action.

The time has come to raise the level of debate. No longer can agencies be allowed to dream up and order a regulation without genuine oversight or input from the outside scientific world. I know that the more informed Congress is about an issue, the better public policy decision we will make. The same should be true of regulatory agencies. With so many experts in the academic, Federal and private sectors, it is a shame to limit the scope of debate to one elite group of scientists. I have heard some agencies claim that their rulemakings are indeed reviewed by outside experts, but a closer look reveals that these objective scientists are not completely independent. I do not think it unreasonable to ask that there be some consensus among truly independent outside scientific experts as to the proper course of action before issuing a rulemaking.

The bottom line is that, to effectively regulate, agencies should not issue rules based on anything but honest, peer-reviewed science. Period.

Second, agencies must learn to correctly assess risk. Beginning with sound science, agencies should look at the real world risks of a situation, recognizing that not every risk is avoidable. Sometimes I think that these agencies are on a mission to create a 100 percent risk-free, accident-free—possibly industry-free—world. They also need to acknowledge that all risks are relative. Regulating small risks can have adverse side effects, resulting in greater risks and less protection. We should focus our efforts and our resources on the greatest risks.

Agencies should also realize that exposure to a chemical doesn't automatically present a risk or indicate a cause and effect relationship. The risk associated with a given dosage level should be examined. Where exposure to a truckload of almost any toxin poses a significant risk, in most cases, an extremely diluted version may not present any danger at all. Regulators should be sensitive to risks as they relate to dosage instead of assuming that any contact with chemicals presents too great a danger. Too often, regulations are issued based on a better safe than sorry mentality. This can leave us less safe and considerably sorrier.

In closing, Mr. President, I reiterate the dire need for regulatory reform. The invasive regulatory hands of Government are slowly choking the life out those whom they seek to save. Let's get back to the basics. Using sound, peer-reviewed science, agencies should make a valid assessment of real world risks and determine a solid cause-and-effect correlation before taking action.

I am committed to enacting regulatory reform in the 105th Congress. I welcome the input and support of my fellow Senators.

AMERICAN AUTOMOBILE ASSOCIATION LIFESAVING MEDAL

Mr. LOTT. Mr. President, I am proud to announce to the Senate today the names of the four youngsters who are recipients of the 1997 American Automobile Association Lifesaving Medal.

This is the highest award given to members of school safety patrols throughout the United States. It is presented annually to students, who, while on duty took heroic lifesaving actions to save the life of a fellow student from imminent danger.

I would like to briefly describe the heroic actions of these four young citizens.

The first two honorees hail from the State of Ohio. On February 28, 1997, Leawood Elementary School Safety Patrol Captain Surmel D. Cummings and Patrol Edwin H. Berry were assisting students on their way home. Surmel noticed a 6-year-old boy and his 8-year-old cousin walking close to the westbound on-ramp for I–70.

The cousin was trying to prevent the 6-year-old from climbing over the guardrail next to the on-ramp. Surmel ran over to the two boys and tried to hold the 6-year-old. The boy began hitting and kicking Surmel. Edwin ran to help his partner. The 6-year-old broke loose from Surmel and scrambled over the guardrail. He was now confronted by the fast-moving cars on the on-ramp. Surmel told Edwin to try to get the 6-year-old back across the guardrail while he returned to the school to get help.

When a car driver started blowing his horn, the 6-year-old covered his ears and turned his back toward Edwin. At that moment, Edwin grabbed the 6-year-old and pulled him back across the guardrail to safety. This was a great team effort by both of these two young men.

The State of Indiana can be proud of the next honoree.

While on duty on December 6, 1996, Shambaugh Elementary School Safety Patrol Marcus A. Morgan, noticed a 6-year-old girl running alongside a van. This vehicle had just dropped her off and was pulling away from the curb. Marcus yelled for the girl to stop chasing the van, but he quickly realized the girl's string was caught in the van door. She then fell and was being dragged by the van.

Marcus raced after the van, shouting for the driver to stop. he ran to the passenger-side and banged on the window to get the driver to stop. The van kept moving so he ran to the driver-side window to get the driver's attention while a parent banged on the passenger-side window. The driver finally stopped after 54 feet. The girl was not seriously injured due to Marcus' quick and heroic actions.

AAA's last honoree is from California.

It was a clear afternoon on November 4, 1996, at St. Jarbeth's School when School Safety Patrol Domonique Fines and April Corral took their post on the northwest corner of Harold and Champion Streets.

A white pickup truck stopped at the stop sign next to their post and then started up the steep hill on Harold Street. Near the top of the hill, the truck stalled and rolled backward. As it came down the hill, the truck picked up speed.

Unaware of the truck, April handed her patrol sign to Domonique as she bent down to tie her shoe. Domonique noticed the truck rapidly heading toward them. She shouted to April to watch out and started to cross Harold Street to get out of its way. Halfway across the street, Domonique looked back to see if her partner, April, was following her. Unaware of the danger, April was still tying her shoe. Domonique yelled again, but April couldn't hear her over the noise from the street traffic and the playground.

Unconcerned about her own safety, Domonique ran back to April, grabbed her arm, and pushed her out of the

way. The truck jump the curb where April had been tying her shoe and then crashed into a fence.

I also want to recognize and thank the American Automobile Association for their invaluable safety program and for honoring these outstanding safety patrol members.

In the 1920's AAA began organizing safety patrol programs whereby older students assist younger students while crossing streets as they walked to and from school. Today, more than 500,000 students across the country serve as AAA safety patrol volunteers. In fact, there are currently 50,000 schools with safety patrols.

AAA supplies training materials, belts, badges, and other items needed to operate the safety patrol programs. Importantly, AAA promotes and recognizes patrol efforts each year through a series of awards, newsletters, summer camps, and scholarships.

On behalf of my Senate colleagues, and for parents all across the country, I want to thank AAA. Their work in helping to keep our youngsters a little safer on their way to and from school is extremely praiseworthy.

I am very proud of Surmel, Edwin, Marcus, and Domonique who exemplified courage and citizenship. I know that their parents and communities are equally as proud. These four youngsters showed great courage in saving another individuals life.

HONORING KENTUCKY SMALL BUSINESS PERSON OF THE YEAR, TOM CLOPTON

Mr. FORD. Mr. President, I rise today to pay tribute to Mr. Tom Clopton of Cave City, Kentucky, who has been selected as the Kentucky Small Business Person of the Year by the U.S. Small Business Administration.

Tom is the President and CEO of Tekno, Inc., a manufacturing company in Cave City. He started the company in 1989 with nothing more than a home computer and his personal savings. Today Tekno is a premier designer and manufacturer of material handling, factory automation, and specialty machinery systems for industrial applications.

Tekno's success is remarkable. Annual sales have grown from $354 thousand in 1989 to nearly $13.2 million in 1995. Revenues have increased nearly four thousand percent in just seven and a half years. This remarkable growth has resulted in Tekno being ranked as one of America's fastest growing privately owned companies for three consecutive years, 1994–1996.

Not only have Tom's business and managerial skills fostered the growth of a productive company, his ingenuity and engineering skills have enabled him to acquire 13 patents from the U.S. Patent and Trademark Office. In addition, he has patents pending in both Canada and Mexico.

And as any good boss will do, Tom attributes much of his success to his employees. He knows that happy employees are productive employees and he makes every effort to ensure that Tekno provides a pleasant working environment. In return, his employees take pride in their job and are quick to volunteer for extra hours when urgent tasks need to be completed.

And finally, I want to say that Tom's dedication and commitment to his customers, employees and community sets an example for every small business. I am happy that Tom is being recognized for all of the good work he has done. I congratulate him on this significant accomplishment and wish him many future years of success.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 2, 1997, the federal debt stood at $5,336,777,463,335.09. (Five trillion, three hundred thirty-six billion, seven hundred seventy-seven million, four hundred sixty-three thousand, three hundred thirty-five dollars and nine cents)

Five years ago, June 2, 1992, the federal debt stood at $3,940,929,000,000. (Three trillion, nine hundred forty billion, nine hundred twenty-nine million)

Ten years ago, June 2, 1987, the federal debt stood at $2,300,635,000,000. (Two trillion, three hundred billion, six hundred thirty-five million)

Fifteen years ago, June 2, 1982, the federal debt stood at $1,077,417,000,000. (One trillion, seventy-seven billion, four hundred seventeen million)

Twenty-five years ago, June 2, 1972, the federal debt stood at $427,622,000,000 (Four hundred twenty-seven billion, six hundred twenty-two million) which reflects a debt increase of nearly $5 trillion—$4,909,155,463,335.09 (Four trillion, nine hundred nine billion, one hundred fifty-five million, four hundred sixty-three thousand, three hundred thirty-five dollars and nine cents) during the past 25 years.

TRIBUTE TO SENATOR STROM THURMOND

Mr. MOYNIHAN. Mr. President, of necessity, I was at the Finance Committee hearing on trade negotiating authority this morning, and so was unable to be on the floor to pay tribute—as so many others have done—to our esteemed colleague, Senator THURMOND, who now holds the record for Senate longevity. But I would like to pay such tribute now.

Just about 1 year ago—June 13, 1996, to be precise—my daughter Maura and I traveled to the White House for a state dinner in honor of Ireland's president, Mary Robinson, and her husband Nicholas. We stopped at the northwest gate, to be scrutinized by White House security officials. An earnest young man in a uniform peered into our Jeep, studied my face, consulted a clipboard, and then said smartly, "Good evening, Senator THURMOND!"

A fine compliment, to be mistaken for a man more robust, more vigorous, more irrepressible than individuals half his age or mine!

I will leave to others the task of highlighting our beloved colleague's absolutely extraordinary private and public lives, which span the 20th century. A few things come to mind which bear mentioning, however. He learned his populist brand of politics from "Pitchfork Ben" Tillman—a man born 150 years ago—whose Senate seat he now occupies. And yet he was just reelected for the eighth time, again with little difficulty. Senator THURMOND embodies the political and social transformation of the South.

As a 40-year-old, he volunteered for active duty during World War II and landed at Normandy with the 82d Airborne Division. Immediately after the war, he was elected governor of South Carolina. While governor, in 1948, he ran for president as a States' Rights Democrat and garnered 39 electoral votes.

He was elected to the Senate in 1954 as a write-in candidate, the first person ever elected to major office by this method. But true to a campaign pledge he made, he resigned in 1956 and stood for re-election. In 1964, he left the Democratic Party and became a Goldwater Republican, presaging—or, perhaps, ushering in—GOP gains in the South that continue to this day. He has served as a delegate to six Democratic and eight Republican National Conventions—a distinction I doubt anyone else shares. Suffice it to say that if STROM THURMOND did not exist, it might be necessary for us to invent him.

Senator THURMOND has endured the loss of his first wife, the loss of his daughter. But through it all, he has been indomitable. Always optimistic. Unfailingly courteous, the epitome of a Southern gentleman—despite living in our current age, when good manners seem to elude us so readily. I hope he has a sense of the respect and affection we have for him.

When I think of our colleague, I think of the wonderful poem, "Ulysses", by Alfred Lord Tennyson—one of the great English poets, who, I might add, died a mere decade before Senator THURMOND was born, and I would like to close my tribute with an excerpt from the poem:

I am become a name;
For always roaming with a hungry heart
Much have I seen and known; cities of men
And manners, climates, councils, governments,
Myself not least, but honour'd of them all;
And drunk delight of battle with my peers,
Far on the ringing plains of windy Troy.

I am a part of all that I have met;
Yet all experience is an arch wherethro'
Gleams that untravell'd world whose margin fades
For ever and forever when I move.
How dull it is to pause, to make an end,
To rust unburnish'd, not to shine in use!
As tho' to breathe were life!

No one ever could accuse Senator THURMOND of "rusting unburnish'd"!

JOHN F. KENNEDY ASSASSINATION RECORDS REVIEW BOARD EXTENSION

Mr. SPECTER. Mr. President, in 1992, I sponsored a joint resolution in collaboration with Congressman LOUIS STOKES, who served as chairman of the House Select Committee on Assassinations, to expedite disclosure of materials relevant to the assassination of President John F. Kennedy. That act created the Assassination Review Board, which was directed to oversee the identification and release of records related to the assassination of President Kennedy. While the review board has made significant progress in its important work, it will need additional time to complete its task. On June 5, I will introduce a bill that will authorize the board's extension for 1 year.

Through October 1996, the review board was successful in transferring nearly 10,000 documents to the National Archives and Records Administration for inclusion in the JFK Collection. Although much has been accomplished, Congress, in setting its original 3-year timetable, was simply unable to anticipate a number of problems the board has encountered since beginning its work. The board was not appointed until 18 months after the legislation was signed into law. In addition, Federal agencies have been slow in identifying records to be processed and the hiring and training of new employees to work with the board has taken longer than expected. Nevertheless, the review board serves a vital function of removing some of the uncertainty and speculation about the contents of Government files relating to President Kennedy's assassination. An additional year will permit the board to finish its important task.

According to information provided to me, over the past 5 years, the review board has worked to facilitate the maximum appropriate disclosure of any additional materials which may have been withheld by the FBI, CIA, Secret Service, or any other Federal agency.

In addition, the House committee decided to withhold certain materials for 50 years following the publication of its report in 1979, or until the year 2029. According to information provided to me, the review board has also worked to facilitate the maximum appropriate disclosure of any of these materials which may have been withheld by the House committee.

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting a nomination which was referred to the Committee on the Judiciary.

(The nominations received today are printed at the end of the Senate proceedings.)

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA, AND UKRAINE—MESSAGE FROM THE PRESIDENT—PM 43

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine are in full compliance with subsections 402(a) and 409(a) of the Act. As required by title IV, I will provide the Congress with periodic reports regarding the compliance of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

REPORT CONCERNING THE EXTENSION OF WAIVER AUTHORITY FOR ALBANIA, BELARUS, KAZAKSTAN, KYRGYZSTAN, TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN—MESSAGE FROM THE PRESIDENT—PM 44

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to a further 12-month extension of authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further 12-month period, and includes my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Belarus, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan will substantially promote the objectives of section 402 of the Act. I have submitted a separate report with respect to the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

MESSAGES FROM THE HOUSE

At 11:18 a.m., a message from the House of Representatives, delivered by one of its reading clerks, Mrs. Goetz, announced that pursuant to the provisions of section 711(b) of Public Law 104–293, the Chair announces the Speaker's appointment of Mr. Henry F. Cooper of Virginia to the Commission to Assess the Organization of the Federal Government to Combat the Proliferation of Weapons of Mass Destruction on the part of the House.

The message also announced that pursuant to the provisions of section 114(b) of Public Law 100–458 (2 U.S.C. 1103), the Chair announces the Speaker's appointment of the following Member of the House to the Board of Trustees for the John C. Stennis Center for Public Service Training and Development to fill the existing vacancy thereon: Mrs. FOWLER of Florida.

At 3:22 p.m., a message from the House of Representatives, delivered by Ms. Goetz, one of its reading clerks, announced that the Speaker has signed the following enrolled bill:

H.R. 5. An act to amend the Individuals With Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

The enrolled bill was signed subsequently by the President pro tempore [Mr. THURMOND].

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–111. A resolution adopted by the House of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

HOUSE RESOLUTION NO. 26

Whereas, while the history of organized labor has often been marked by difficulties and controversy over the years, working men and women bargaining in good faith through formal labor negotiations has brought many benefits to our state and nation. The standard of living for working families is much higher than it could possibly be without organization. For responsible companies, the steady supply of reliable workers also brings many rewards and long-term stability; and

Whereas, in recent years, a shift seems to be occurring in strategy for businesses in how they handle labor disputes. Too often, the initial response in a labor dispute is for

management to hire replacement workers instead of negotiating with the workers. This short-sighted action severely hinders all communications between management and workers. Often, hiring replacement workers sets in motion an escalating series of actions that are harmful to everyone; and

Whereas, Michigan has experienced this recently through the lengthy and bitter newspaper strike in Detroit. Hiring permanent replacement workers has clearly hindered the effectiveness of negotiations and made a difficult situation far worse and more divisive than necessary. This extended tension is harmful to labor, management, and the public; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the Congress of the United States to enact legislation to prohibit the hiring of permanent replacement workers as an alternative to negotiations and settlements of labor disputes; and be it further

Resolved, That copies of this resolution and the roll call on its adoption be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-112. A joint resolution adopted by the Legislature of the State of Montana; to the Committee on Labor and Human Resources.

Whereas, the ever-increasing cost of prescription drugs is causing a hardship for low-income seniors and low-income persons of all ages; and

Whereas, the problem is not caused by local pharmacists who at this time are engaged in a class action suit to correct this injustice; and

Whereas, some of the cost of research and development of prescription drugs is funded through the National Institutes of Health and paid for by tax dollars; and

Whereas, the prescription drugs manufactured by these United States companies can be purchased in Canada or Mexico for one-half to one-third of the cost in the United States; and

Whereas, most seniors are reliant on Medicare, which does not pay for most prescription drugs; many Americans' health insurance does not cover prescription drugs; and altogether, consumers purchase three-quarters of all prescription drugs out of pocket;

Whereas, many seniors live on fixed incomes, and incomes have not kept pace with the prices of prescription drugs that from 1980 to 1991 outpaced the general inflation rate 3 to 1; and

Whereas, certain consumers have no recourse other than to use drugs regulated by the federal Orphan Drug Act, and the prices of these drugs are not subject to market pressures.

Now, therefore, be it resolved by the Senate and the House of Representatives of the State of Montana, That the United States Congress continue its investigation into the reasons for the exorbitant drug prices charged to customers who have no other alternatives and enact legislation to remedy this situation.

Be it further resolved, That the Secretary of State send a copy of this resolution to the President of the United States, the Speaker of the United States House of Representatives, the President of the United States Senate, and each member of the Montana Congressional Delegation.

POM-113. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

SENATE JOINT RESOLUTION NO. 377

Whereas, the services provided by Emergency Medical Service (EMS) employees play a critical role in protecting the lives and health of citizens throughout the Commonwealth; and

Whereas, EMS employees work and live alongside their firefighter counterparts in fire stations on a 24-hour, 365-day-a-year basis and are an integral part of the emergency service delivery system; and

Whereas, providing effective and cost-efficient emergency medical services is best achieved by scheduling EMS employees to work 24-hour shifts rather than traditional eight-hour shifts; and

Whereas, a majority of EMS employees support the 24-hour shift versus the eight-hour shift; and

Whereas, the provisions of current federal law (29 USCS §207) require that employers pay overtime compensation equal to one and one-half times the regular rate of compensation when an employee works longer than 40 hours in one week. The federal statute does provide an overtime exemption for the employers of fire, police and corrections personnel. The exemption allows employers of these employees to calculate overtime pay by averaging the number of hours worked over a period of 28 days rather than on a weekly basis, thereby reducing overtime costs for localities. This exemption permits localities to schedule employees in a more productive, economical, and efficient manner; and

Whereas, a recent judicial decision has resulted in the federal government interpreting 29 USCS §207 in a manner that precludes a similar overtime exemption for EMS employers; and

Whereas, the lack of an overtime exemption for EMS personnel results in increased operating costs for localities and a reduction in operating efficiency; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to amend the Fair Labor Standards Act to better address the unique characteristics of emergency medical service employees and to provide an overtime exemption for such employees similar to that provided for fire, police and corrections employees; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM-114. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Labor and Human Resources.

SENATE JOINT RESOLUTION NO. 314

Whereas, improving patient access to quality health care is a paramount national goal; and

Whereas, a key to improved health care, especially for people with serious unmet medical needs, is the rapid approval of safe and effective new drugs, biological products, and medical devices; and

Whereas, two-thirds of all new drugs approved in the last six years by the Food and Drug Administration were approved first in other countries, with approval of a new drug in the United States taking 15 years; and

Whereas, although the United States has long led the world in discovering new drugs, too many new medicines are first introduced in other countries, with 40 drugs currently approved in one or more foreign countries still in development in the United States or awaiting FDA approval; and

Whereas, patients are waiting for the industry to discover and efficiently develop safe and effective new medicines sooner; and

Whereas, minimizing the delay between discovery and eventual approval of a new drug, biological product, or medical device derived from research conducted by innovative pharmaceutical and biotechnology companies could improve the lives of millions of Americans; and

Whereas, the current rules and practices governing the review of new drugs, biological products, and medical devices by the Food and Drug Administration can delay approvals and are unnecessarily expensive; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That Congress be urged to enact legislation to facilitate the Food and Drug Administration's procedures for the approval of safe and effective innovative new drugs, biological products and medical devices; and, be it

Resolved further, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and to each member of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

POM-115. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on Veterans' Affairs.

HOUSE JOINT RESOLUTION NO. 401

Whereas, because of the large number of federal military installations and contracting industries located in the Commonwealth, over 725,000 veterans of the armed services now live in Virginia; and

Whereas, approximately 97,000 veterans of Operation Desert Storm now reside in Virginia; and

Whereas, medical facilities for veterans are now located in Salem, Hampton, Richmond, Martinsburg, West Virginia, Washington, D.C., and Baltimore, Maryland; and

Whereas, the health of many veterans is declining due to advancing age and health conditions associated with their service in the military; and

Whereas, travel to available veterans' medical facilities is difficult and inconvenient for many veterans who live in Northern Virginia; and

Whereas, an estimated 220,000 veterans live within a 50-mile radius of a Northern Virginia site proposed for a veterans' medical facility; and

Whereas, construction of a U.S. Department of Veterans Affairs outpatient clinic in Northern Virginia has been authorized by the federal government, but has never been funded; and

Whereas, such a clinic is urgently needed, and a suitable facility is now available for lease from a willing vendor; and

Whereas, similar outpatient clinics have demonstrated their cost-effectiveness by releasing in-patient beds at other facilities, freeing medical and technical personnel for other duties, and accelerating recovery time by keeping patients close to home; and

Whereas, a resolution supporting such a facility was adopted at the national convention of the Veterans of Foreign Wars in Louisville, Kentucky, in 1996; now, therefore, be it

Resolved by the House of Delegates, the Senate concurring, That the Congress of the United States be urged to authorize and fund the establishment of a veterans' medical outpatient clinic in Northern Virginia; and, be it

Resolved further, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, the members of the Congressional Delegation of Virginia, and the Secretary of the United States Department of Veterans Affairs in order that they may be apprised of the sense of the General Assembly of Virginia in this matter.

POM–116. A resolution adopted by Township Committee of the Township of Millburn, County of Essex, New Jersey relative to private relief; to the Committee on the Judiciary.

POM–117. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the illegal drug trade; to the Committee on the Judiciary.

POM–118. A resolution adopted by the Council of the City of Cincinnati, Ohio relative to the illegal drug trade; to the Committee on the Judiciary.

POM–119. A resolution adopted by the General Assembly of the State of Colorado; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 97–1011

Whereas, the annual federal budget has not been balanced since 1969, and the federal public debt is now more than $5 trillion, an amount equaling approximately $20,000 for every man, woman, and child in America; and

Whereas, continued deficit spending demonstrates an unwillingness or inability of both the federal executive and legislative branches to spend no more than available revenues; and

Whereas, fiscal irresponsibility at the federal level is lowering our standard of living, destroying jobs, and endangering economic opportunity now and for the next generation; and

Whereas, the federal government's unlimited ability to borrow raises questions about fundamental principles and responsibilities of government, with potentially profound consequences for the nation and its People, making it an appropriate subject for limitation by the Constitution of the United States; and

Whereas, the Constitution of the United States vests the ultimate responsibility to approve or disapprove constitutional amendments with the People, as represented by their elected state legislatures, and opposition by a small minority in the United States Congress repeatedly has thwarted the will of the People that a balanced budget amendment to the Constitution should be submitted to the states for ratification; now, therefore, be it

Resolved by the House of Representatives of the Sixty-first General Assembly of the State of Colorado, the Senate concurring herein: That the General Assembly requests the United States Congress to expeditiously pass, and propose to the legislatures of the several states for ratification, an amendment to the Constitution of the United States requiring that, in the absence of a national emergency, the total of all federal appropriations made by the Congress for any fiscal year may not exceed the total of all estimated federal revenues for that fiscal year.

Be It Further Resolved, That copies of this Joint Resolution be sent to all members of the United States Senate and House of Representatives, and to the Secretary of State, and the presiding officers of both houses of the legislatures of each of the other states.

POM–120. A concurrent resolution adopted by the General Assembly of the State of Delaware; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION NO. 6

Whereas, separation of powers is fundamental to the United States Constitution and the power of the federal government is strictly limited; and

Whereas, under the United States Constitution, the states are to determine public policy; and

Whereas, it is the duty of the judiciary to interpret the law, not to create law; and

Whereas, our present federal government has strayed from the intent of our founding fathers and the United States Constitution through inappropriate federal mandates; and

Whereas, these mandates by way of statute, rule or judicial decision have forced state governments to serve as the mere administrative arm of the federal government; and

Whereas, federal district courts with the acquiescence of the United States Supreme Court, continue to order states to levy or increase taxes to comply with federal mandates; and

Whereas, these court actions violate the United States Constitution and the legislative process; and

Whereas, the time has come for the people of this great nation and their duly elected representatives in state government, to reaffirm, in no certain terms that the authority to tax under the Constitution of the United States is retained by the people who, by their consent alone, do delegate such power to tax explicitly to those duly elected representatives in the legislative branch of government who they choose, such representatives being directly responsible and accountable to those who have elected them; and

Whereas, several states have petitioned the United States Congress to propose an amendment to the Constitution of the United States of America; and

Whereas, the amendment was previously introduced in Congress; and

Whereas, the amendment seeks to prevent federal courts from levying or increasing taxes without representation of the people and against the people's wishes; and

Now, therefore, be it

Resolved by the House of Representatives of the 139th General Assembly, the Senate concurring therein, That the Congress of the United States prepare and submit to the several states an amendment to the Constitution of the United States to add a new article providing as follows:

"Neither the Supreme Court nor any inferior court of the United States shall have the power to instruct or order a state or a political subdivision thereof, or an official of such a state or political subdivision, to levy or increase taxes."

Be it further resolved, That the Legislature of the State of Delaware also proposes that the legislatures of each of the several states comprising the United States that have not yet made similar requests apply to the United States Congress requesting enactment of an appropriate amendment to the United States Constitution, and apply to the United States Congress to propose such an amendment to the United States Constitution.

Be it further resolved, That the Secretary of State of the State of Delaware transmit copies of this Resolution to the President and Vice President of the United States, the presiding officer in each house of legislature in each of the states of the Union, the Speaker of the United States House of Representatives, the Majority Leader of the United States Senate and to each member of the State of Delaware Congressional Delegation.

SYNOPSIS

In 1990 a U.S. Supreme Court decision (Missouri v. Jenkins) upheld an appeals court ruling which affirmed a District Court's order allowing the local school board to raise property taxes as part of a school desegregation plan in Kansas City. This Resolution calls for an amendment to the U.S. Constitution which would end the self-proclaimed authority and power to tax which the federal courts have given themselves. The language of the proposed amendment does not change the Constitution. Rather, it reasserts a basic premise of representative government—there shall be no taxation without representation.

POM–121. A joint resolution adopted by the General Assembly of the State of Maryland; to the Committee on the Judiciary.

HOUSE JOINT RESOLUTION 25

Whereas, although the right of free expression is part of the foundation of the United States Constitution, very carefully drawn limits on expression in specific instances have long been recognized as legitimate means of maintaining public safety and decency, as well as orderliness and productive value of public debate; and

Whereas, certain actions, although arguably related to one person's free expression, nevertheless; and

Whereas, the matter is still unresolved and pending as a subject of great interest and concern; and

Whereas, there are symbols of our national soul such as the Washington Monument, the United States Capitol Building, and memorials to our greatest leaders, which are the property of every American and are therefore worthy of protection from desecration and dishonor; and

Whereas, the American Flag to this day is a most honorable and worthy banner of a nation which is thankful for its strengths and committed to curing its faults, and remains the destination of millions of immigrants attracted by the universal power of the American ideal; and

Whereas, the Maryland House of Delegates voted 101 to 30 and the Maryland Senate voted 42 to 5 to approve the Joint Resolution on March 3, 1994; and

Whereas, it is only fitting that people everywhere should lend their voices to a forceful call for restoration to the Stars and Stripes of a proper station under law and decency; now, therefore, be it

Resolved by the General Assembly of Maryland, That the General Assembly respectfully memorialize the Congress of the United States to propose an amendment to the United States Constitution, for ratification by the states, specifying that Congress and the states shall have the power to prohibit the physical desecration of the flag of the United States; and be it further

Resolved, That copies of this Resolution be transmitted by the Department of Legislative Reference to the Speaker of the U.S. House of Representatives and the President of the U.S. Senate; and be it further

Resolved, That a copy of this Resolution be forwarded by the Department of Legislative Reference to the Maryland Congressional Delegation: Senators Paul S. Sarbanes and

Barbara A. Mikulski, Senate Office Building, Washington, D.C. 20510; and Representatives Wayne T. Gilchrest, Robert L. Ehrlich, Jr., Benjamin L. Cardin, Albert R. Wynn, Steny Hamilton Hoyer, Roscoe G. Bartlett, Elijah E. Cummings, and Constance A. Morella, House Office Building, Washington, D.C. 20515.

POM–122. A joint resolution adopted by the General Assembly of the Commonwealth of Virginia; to the Committee on the Judiciary.

SENATE JOINT RESOLUTION NO. 307

Whereas, in addition to setting quotas for the number of immigrants who may enter this country legally, the federal government has the responsibility of maintaining the borders of the United States against illegal entry; and

Whereas, while illegal aliens are not entitled to assistance in the form of social services, states are required by federal statute or by court decisions to provide emergency medical care, education, nutrition programs, and incarceration for many undocumented aliens with little or no reimbursement from the federal government; and

Whereas, many states are being hit hard by budgetary cutbacks and are feeling the impact on state revenues and expenditures incurred by these federal mandates; and

Whereas, some states have tried unsuccessfully to use the legal system to recoup some of these expenses from the federal government; and

Whereas, although the federal government has been forthcoming with some funds to help with some of the costs, the amounts are negligible in comparison to the actual costs to the states; and

Whereas, the recent federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 addresses some issues of social assistance to aliens, but the financial impact is more addressed to immigrants who are here legally; and

Whereas, there appears to be a need for a better working relationship between the states and the United States Immigration and Naturalization Services to identify those persons who are here illegally; now, therefore, be it

Resolved by the Senate, the House of Delegates concurring, That the Congress of the United States be urged to take appropriate steps to reimburse the states for the costs of services provided to illegal aliens; and, be it

Resolved further, That the Congress be urged to honor its obligations to protect the United States borders and to expedite the removal of those who reside here illegally; and, be it

Resolved finally, That the Clerk of the Senate transmit copies of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the House of Representatives, and the members of the Congressional Delegation of Virginia in order that they may be apprised of the sense of the General Assembly in this matter.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. ROTH, from the Committee on Finance:

Robert S. LaRussa, of Maryland, to be an Assistant Secretary of Commerce.

(The above nomination was reported with the recommendation that he be confirmed, subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. BROWNBACK:

S. 820. A bill to amend chapters 83 and 84 of title 5, United States Code, to limit certain retirement benefits of Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. Brownback:

S. 821. A bill to reduce the pay of Members of Congress, eliminate automatic cost-of-living pay increases for Members of Congress, and for other purposes; to the Committee on Governmental Affairs.

By Mr. WYDEN:

S. 822. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Finance.

By Mr. HARKIN:

S. 823. A bill to provide for the award of the Armed Forces Expeditionary Medal to members of the Armed Forces who participate in Operation Joint Endeavor or Operation Joint Guard in the Republic of Bosnia and Herzegovnia; to the Committee on Armed Services.

By Mrs. BOXER:

S. 824. A bill to prohibit the relocation of certain Marine Corps helicopter aircraft to Naval Air Station Miramar, California; to the Committee on Armed Services.

By Mr. ASHCROFT:

S. 825. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

By Mr. LAUTENBERG (for himself, Mr. DURBIN, and Mr. KERRY):

S. 826. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Environment and Public Works.

By Mr. CRAIG:

S. 827. A bill to promote the adoption of children in foster care; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 828. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN, and Mr. KENNEDY):

S. 829. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, and Mr. WELLSTONE):

S.J. Res. 31. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. WYDEN:

S. 822. A bill to amend part E of title IV of the Social Security Act to provide for demonstration projects to test the feasibility of establishing kinship care as an alternative to foster care for a child who has adult relatives willing to provide safe and appropriate care for the child, and to require notice to adult relative caregivers; to the Committee on Finance.

THE KINSHIP CARE ACT OF 1997

• Mr. WYDEN. Mr. President, today I am introducing the Kinship Care Act of 1997. Grandparents caring for grandchildren represent one of the most underappreciated and perhaps underutilized natural resources in our Nation. Yet they hold tremendous potential for curing one of our society's most pressing problems—the care of children who have no parents, or whose parents simply aren't up to the task of providing children a stable, secure, and nurturing living environment.

There is such a great reservoir of love and experience available to us, and more especially to the tens of thousands of American children who desperately need basic care giving. We provide public assistance for strangers to give this kind of care, but the folks available to do it are in short supply.

Legislation I am introducing in the Senate today will give States the flexibility to provide the support these grandparents need, so that our seniors can fill the care gap. Last year, as part of welfare reform, Senator COATS and I were successful in passing legislation that would give preference to an adult relative over a nonrelated caregiver when determining a placement for a child. My new legislation will continue the process of shifting the focus of our child welfare system from leaving children with strangers to leaving them in the loving arms of grandparents and other relatives.

I am not noticing a new trend. States have been moving in this direction for over a decade. Over the past 10 years the number of children involved in extended family arrangements has increased by 40 percent. Currently, more than four million children are being raised by their grandparents. In other words, 5 percent of all families in this country are headed by grandparents.

My view is that it's time for the Federal Government to get with the program and start developing policies that make it easier, instead of more difficult, for families to come together to raise their children.

My bill has several parts. First, it would allow States to obtain waivers

to set up kinship care guardianship systems where grandparents and other relative providers can receive some financial assistance without having to turn over custody of the child to the State and without having to go through the paperwork and bureaucratic hurdles of the foster care system.

Grandparents already face a number of hurdles when they suddenly find themselves caring for a grandchild. These may include living in seniors-only housing, not having clothes or space for a grandchild, or living on a fixed income. We need to encourage States to start making their child protection systems grandparent- and relative-friendly.

The second part of this bill requires States to give relative caregivers notice of and an opportunity to be heard in hearings or case reviews with respect to the child's safety and well-being. I have repeatedly heard the frustration of these grandparents and relative caregivers who say they never knew about or were not allowed to attend a hearing or case review affecting a child for whom they may be caring or have cared for years. Surely their voices should be heard in those circumstances where the well-being and safety of the child is being discussed.

As we reevaluate the effectiveness of our country's child protection systems, it's time that we start developing some new ideas and new ways to use our resources more effectively to find loving environments for children who can't live with their natural parents.

I applaud the efforts of my colleague in the House, Representative CONNIE MORELLA who has introduced the companion bill in the House, and I urge my colleagues on both sides of the aisle to join with me in giving states increased flexibility to make their foster care systems more grandparent friendly.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 822

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 "Kinship Care Act of 1997".

SEC. 2. KINSHIP CARE DEMONSTRATION PROJECTS.

(a) IN GENERAL.—Part E of title IV of the Social Security Act (42 U.S.C. 670–679) is amended by inserting after section 477 the following:

"SEC. 478. KINSHIP CARE DEMONSTRATION PROJECTS.

"(a) PURPOSE.—The purpose of this section is to allow and encourage States to develop effective alternatives to foster care for children who might be eligible for foster care but who have adult relatives who can provide safe and appropriate care for the child.

"(b) DEMONSTRATION AUTHORITY.—The Secretary may authorize any State to conduct a demonstration project designed to determine whether it is feasible to establish kinship care as an alternative to foster care for a child who—

"(1) has been removed from home as a result of a judicial determination that continuation in the home would be contrary to the welfare of the child;

"(2) would otherwise be placed in foster care; and

"(3) has adult relatives willing to provide safe and appropriate care for the child.

"(c) KINSHIP CARE DEFINED.—As used in this section, the term 'kinship care' means safe and appropriate care (including long-term care) of a child by 1 or more adult relatives of the child who have legal custody of the child, or physical custody of the child pending transfer to the adult relative of legal custody of the child.

"(d) PROJECT REQUIREMENTS.—In any demonstration project authorized to be conducted under this section, the State—

"(1) should examine the provision of alternative financial and service supports to families providing kinship care; and

"(2) shall establish such procedures as may be necessary to assure the safety of children who are placed in kinship care.

"(e) WAIVER AUTHORITY.—The Secretary may waive compliance with any requirement of this part which (if applied) would prevent a State from carrying out a demonstration project under this section or prevent the State from effectively achieving the purpose of such a project, except that the Secretary may not waive—

"(1) any provision of section 422(b)(10), section 479, or this section; or

"(2) any provision of this part, to the extent that the waiver would impair the entitlement of any qualified child or family to benefits under a State plan approved under this part.

"(f) PAYMENTS TO STATES; COST NEUTRALITY.—In lieu of any payment under section 473 for expenses incurred by a State during a quarter with respect to a demonstration project authorized to be conducted under this section, the Secretary shall pay to the State an amount equal to the total amount that would be paid to the State for the quarter under this part, in the absence of the project, with respect to the children and families participating in the project.

"(g) USE OF FUNDS.—A State may use funds paid under this section for any purpose related to the provision of services and financial support for families participating in a demonstration project under this section.

"(h) DURATION OF PROJECT.—A demonstration project under this section may be conducted for not more than 5 years.

"(i) APPLICATION.—Any State seeking to conduct a demonstration project under this section shall submit to the Secretary an application, in such form as the Secretary may require, which includes—

"(1) a description of the proposed project, the geographic area in which the proposed project would be conducted, the children or families who would be served by the proposed project, the procedures to be used to assure the safety of such children, and the services which would be provided by the proposed project (which shall provide, where appropriate, for random assignment of children and families to groups served under the project and to control groups);

"(2) a statement of the period during which the proposed project would be conducted, and how, at the termination of the project, the safety and stability of the children and families who participated in the project will be protected;

"(3) a discussion of the benefits that are expected from the proposed project (compared to a continuation of activities under the State plan approved under this part);

"(4) an estimate of the savings to the State of the proposed project;

"(5) a statement of program requirements for which waivers would be needed to permit the proposed project to be conducted;

"(6) a description of the proposed evaluation design; and

"(7) such additional information as the Secretary may require.

"(j) STATE EVALUATIONS AND REPORTS.—Each State authorized to conduct a demonstration project under this section shall—

"(1) obtain an evaluation by an independent contractor of the effectiveness of the project, using an evaluation design approved by the Secretary which provides for—

"(A) comparison of outcomes for children and families (and groups of children and families) under the project, and such outcomes under the State plan approved under this part, for purposes of assessing the effectiveness of the project in achieving program goals; and

"(B) any other information that the Secretary may require;

"(2) obtain an evaluation by an independent contractor of the effectiveness of the State in assuring the safety of the children participating in the project; and

"(3) provide interim and final evaluation reports to the Secretary, at such times and in such manner as the Secretary may require.

"(k) REPORT TO THE CONGRESS.—Not later than 4 years after the date of the enactment of this section, the Secretary shall submit to the Congress a report that contains the recommendations of the Secretary for changes in law with respect to kinship care and placements.".

(b) CONFORMING AMENDMENTS.—Title IV of the Social Security Act (42 U.S.C. 601 et seq.) is amended

(1) in section 422(b)—

(A) by striking the period at the end of the paragraph (9) (as added by section 554(3) of the Improving America's Schools Act of 1994 (Public Law 103–382; 108 Stat. 4057)) and inserting a semicolon;

(B) by redesignating paragraph (10) as paragraph (11); and

(C) by redesignating paragraph (9), as added by section 202(a)(3) of the Social Security Act Amendments of 1994 (Public Law 103–432, 108 Stat. 4453), as paragraph (10);

(2) in sections 424(b), 425(a), and 472(d), by striking "422(b)(9)" each place it appears and inserting "422(b)(10)"; and

(3) in section 471(a)—

(A) by striking "and" at the end of paragraph (17);

(B) by striking the period at the end of paragraph (18) (as added by section 1808(a) of the Small Business Job Protection Act of 1996 (Public Law 104–188; 110 Stat. 1903)) and inserting "; and"; and

(C) by redesignating paragraph (18) (as added by section 505(3) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193; 110 Stat. 2278)) as paragraph (19).

SEC. 3. NOTICE TO RELATIVE CAREGIVERS.

(a) IN GENERAL.—Section 471(a)(19) of the Social Security Act (42 U.S.C. 671(a)(19), as redesignated by section 1(b)(3)(C), is amended to read as follows:

"(19) provides that the State shall, with respect to an adult relative caregiver for a child—

"(A) provide that relative caregiver with notice of, and an opportunity to be heard in, any dispositional hearing or administrative review held with respect to the child; and

"(B) give preference to that relative caregiver over a non-related caregiver when determining a placement for a child, provided that the relative caregiver meets all relevant State child protection standards, and that placement with the relative caregiver would be consistent with the safety needs of the child.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) takes effect on October 1, 1997.●

By Mr. ASHCROFT:

S. 825. A bill to provide for violent and repeat juvenile offender accountability, and for other purposes; to the Committee on the Judiciary.

THE PROTECT CHILDREN FROM VIOLENCE ACT

Mr. ASHCROFT. Mr. President, yesterday's Washington Post reported a decrease in crime nationwide. The Post also reported that Attorney General Reno and President Clinton quickly stepped up to take credit for this news.

But in this same article James Alan Fox, dean of Northeastern University's college of criminal justice, suggested that the decreasing crime numbers were more a function of demographics. According to Dean Fox, "The aging of a large segment of the population has played a key role in the decline. Adults tend to be less violent than juveniles." But if crime statistics are, indeed, a function of demographics, then the demographics suggest that the juvenile crime rates will continue to rise. As Dean Fox indicated, the juvenile population will grow over the next decade.

The available numbers confirm that the rate of violent juvenile crimes is increasing. The Washington Post also mentioned that between 1985 and 1995, the number of murders committed by juveniles increased 145 percent. And criminologist suggest that the baby boom of the 1980's will bring tidalwave of vicious violent youth onto our streets.

Mr. President, today, I am introducing legislation to protect our children from people who would lead them astray and from those who are dangerous in our midst.

The dangerous environment in which our children live today dictates that we make several fundamental changes in the way we treat dangerous, violent juveniles and those people—juveniles and adults, alike—who lure our children into drugs and gangs. We must come down harder on juveniles who commit serious violent crimes—incarcerating them and trying them as adults—and we must improve our recordkeeping capability for these dangerous juveniles so that courts, police officers, and schools know when they have a potential killer in their midst. Furthermore, we must punish severely those adults who seek to corrupt our kids by luring them into gangs, drugs, and a life of crime.

This bill, the Protect Children from Violence Act, will update our current juvenile justice laws to reflect the new vicious nature of today's teen criminals.

The act has several components, but first and foremost it would require Federal prosecutors and States, in order to qualify for $750 million in new incentive grants, to try as adults those juveniles 14 and older who commit serious violent offenses, such as rape or murder. There is nothing juvenile about these crimes, and the perpetrators must be treated and tried as adults.

Some of the laws on the books inadvertently pervert the direction of the law enforcement system, offering more protections to the perpetrators, than to the public. This must cease. Strengthening our juvenile justice laws is the first line of defense in protecting the public and providing greater protection for innocent children than for violent criminals.

In order to do this, we must also ensure that our law enforcement officials, courts and schools have clear lines of communications and access to the records of violent juvenile offenders. This bill does this by requiring the fingerprinting and photographing of juveniles found guilty of crimes that would be felonies if committed by an adult. The bill would also ensure that those records are made available to Federal and State law enforcement officials and school officials, so they will know who they are dealing with when they confront a dangerous juvenile offender.

Typically, State statutes seal juvenile criminal records and expunge those records when the juvenile reaches age 18. Today's young criminal predators understand that when they reach their 18th birthday, they can begin their second career as adult criminals with an unblemished record. The time has come to discard anachronistic idea that crimes committed by juveniles must be kept confidential, no matter how heinous the crime.

Our law enforcement agencies, courts, and school officials need improved access to juvenile records so that they have the tools to deal with the exponential increase in the severity and frequency of juvenile crimes.

For too long, law enforcement officers have operated in the dark. Our police departments need to have access to the prior juvenile criminal records of individuals to assist them in criminal investigations and apprehension.

According to Police Chief David G. Walchak, who is immediate past president of the International Association of Chiefs of Police, law enforcement officials are in desperate need of access to juvenile criminal records. The police chief has said, "Current juvenile records—both arrest and adjudication—are inconsistent across the States, and are usually unavailable to the various programs' staff who work with youthful offenders."

Chief Walchak also notes that "If we [in law enforcement] don't know who the youthful offenders are, we can't appropriately intervene."

Chief Walchak is not the only one saying this. Law enforcement officers in my home State have told me that when they arrest juveniles they have no idea with whom they are dealing because the records are kept confidential.

School officials, as well as courts and law enforcement officials, need access to juvenile criminal records to assist them in providing for the best interests of all students and preventing more tragedies.

The decline in school safety across the country can be attributed to a significant degree to laws that put the protection of dangerous students ahead of protecting the innocent—those that go to school to learn, not to rape, maim, and murder.

While visiting with school officials in Sikeston, MO, a teacher told me how one of her students came to school wearing an electronic monitoring ankle bracelet. Can you imagine being that teacher and having to turn around—back to the class—to write on the chalk board not knowing whether that student was a rapist, or even a murderer?

School officials need access to juvenile criminal records so that they can keep a close eye on potentially dangerous predators and take preventive measures. Judicial and law enforcement authorities need this information because it is vital to the protection of public safety.

In addition to requiring that Federal and State prosecutors try violent juvenile offenders as adults and increasing recordkeeping and sharing capability, this bill also enhances the Federal criminal penalties for those adults who seek to lure juveniles into criminal activity or drug use.

For example, any adult who distributes drugs to a minor, traffics in drugs in or near a school, or uses minors to distribute drugs would face a minimum 3-year jail sentence—as compared to the 1-year minimum under current law.

This bill also doubles the maximum jail time and fines for adults who use minors in crimes of violence. The second time the adult hides behind the juvenile status of a child by using him to commit a crime, the adult faces a tripling of the maximum sentence, and fine.

Furthermore, the Protect Children from Violence Act elevates a Federal crime the recruiting of minors to participate in gang activity. Under this legislation, those gangsters who lure our children into gangs will face a Federal prosecutor and a Federal penitentiary.

A 1993 survey reported an estimated 4,881 gangs with 249,324 gang members

in the United States. Those figures are disturbing enough. But a second study, conducted just 2 years later, found that the number of gangs had increased more than fourfold, with 23,388 gangs claiming over 650,000 members. We need legislation to stem this rising tide.

Let me quickly recap the highlights of this legislation. In order to qualify for incentive grants, States would be required to try juveniles as adults if they commit certain violent crimes such as rape and murder. States also would have to fingerprint and keep records on juveniles who commit crimes that would be felonies if committed by adults, and States must allow public access to juvenile criminal records of repeat juvenile offenders. These same provisions would apply to Federal law enforcement officials. To protect our children from adults who prey on them, this bill doubles and triples the jail time for those convicted of using a juvenile to commit a violent crime or to distribute drugs. Anyone caught dealing drugs to minors or near a school will face three times the penalty under current law.

This bill is a reasonable and prudent response to the threat that violent youths, and the adults that lead them into life of crime, pose to our children. The moneys authorized will be used to deter and incarcerate violent juvenile criminals, not just to provide for more midnight basketball and prevention programs—the situation, and our future, demands more that that. We need to take into account the needs of the innocent children—not sacrifice their protection in the name of privacy of violent juvenile perpetrators.

By Mr. LAUTENBERG (for himself, Mr. DURBIN and Mr. KERRY):

S. 826. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Environment and Public Works.

THE SMOKE-FREE ENVIRONMENT ACT OF 1997

• Mr. LAUTENBERG. Mr. President, I introduce the Smoke-Free Environment Act of 1997. This bill will help decrease the death rates from a toxic pollutant that exists in the air of our Nation's factories, office buildings, retail stores, and Government facilities. I am speaking of secondhand smoke from cigarettes and other tobacco products, which kills tens of thousands of Americans each year.

A recent study put an end to the tobacco industry's distortions and misinformation on this issue. A Harvard University study which tracked 32,000 nonsmoking women for 10 years found that regular exposure at home or at work to secondhand smoke nearly doubled their risk of heart disease.

Mr. President, we have been aware of the risk of lung cancer from secondhand smoke for several years now, but this study confirms what many have suspected about the link between secondhand smoke and heart disease. The results of this study means that approximately 50,000 fatal heart attacks each year are caused by exposure to tobacco smoke.

My bill would require that every building—both Government and private—protect Americans from exposure to secondhand smoke. It can be accomplished in one of two ways. The building could either ban smoking altogether or set up smoking rooms that are separately ventilated from the rest of the building.

Mr. President, the bill also would finish a job I started with Senator DURBIN 10 years ago. In 1987, we banned smoking on domestic airline flights of 2 hours or less. In 1989, we extended that ban to flights of 6 hours or less.

The smoking ban has been a tremendous success. Passengers have been so pleased by a smokefree environment in the air that many airlines have voluntarily extended the ban to all domestic flights and international flights. However, some airlines have not, and many passengers and flight attendants are still subjected to dangerous secondhand smoke on airplanes.

Mr. President, the Smoke-Free Environment Act will also ban smoking on any flight that originates in the United States, and lands in a foreign country. Americans should be able to travel abroad with the peace of mind that they will not be locked into a poisonous cabin for 10 or 15 hours, and flight attendants will not have to worry that they will increase their risk of heart disease almost twofold by simply performing their job.

Mr. President, yesterday, a trial opened in Miami, in which flight attendants sued the tobacco industry over health injuries caused by exposure to secondhand smoke before the passage of my law banning smoking on domestic flights. These flight attendants have a legitimate case, and it is time to prevent similar litigation in the future by cleaning all the air in the skies, in Government offices, in stores, and in all of our places of work.

Mr. President, nonsmokers never choose to be exposed to tobacco smoke. The smoke of a cigarette is not only harming the smoker, but also severely injuring others with secondhand smoke.

Multiple studies have shown that regular exposure to secondhand smoke results in the following for nonsmokers: Damage to the arteries, reduction of oxygen supply in the body, and increases in the tendency of blood platelet to stick together and clot.

Mr. President, how can we speak about the importance of children's health while our kids are being exposed to this deadly smoke. It is time for Congress to get serious about the health crisis caused by secondhand smoke, and pass the Smoke-Free Environment Act.

Mr. President, I ask unanimous consent that a copy of the bill be inserted into the RECORD. I also ask unanimous consent that a New York Times article on the Harvard study be inserted into the RECORD.

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

S. 826

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 "Smoke-Free Environment Act of 1997".

SEC. 2. SMOKE-FREE ENVIRONMENT POLICY.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by adding at the end the following:

"TITLE XXVIII—SMOKE-FREE ENVIRONMENTS

"SEC. 2801. SMOKE-FREE ENVIRONMENT POLICY.

"(a) POLICY REQUIRED.—In order to protect children and adults from cancer, respiratory disease, heart disease, and other adverse health effects from breathing environmental tobacco smoke, the responsible entity for each public facility shall adopt and implement at such facility a smoke-free environment policy which meets the requirements of subsection (b).

"(b) ELEMENTS OF POLICY.—Each smoke-free environment policy for a public facility shall—

"(1) prohibit the smoking of cigarettes, cigars, and pipes, and any other combustion of tobacco, within the facility and on facility property within the immediate vicinity of the entrance to the facility; and

"(2) post a clear and prominent notice of the smoking prohibition in appropriate and visible locations at the public facility.

The policy may provide an exception to the prohibition specified in paragraph (1) for one or more specially designated smoking areas within a public facility if such area or areas meet the requirements of subsection (c).

"(c) SPECIALLY DESIGNATED SMOKING AREAS.—A specially designated smoking area meets the requirements of this subsection if it satisfies each of the following conditions:

"(1) The area is ventilated in accordance with specifications promulgated by the Administrator that ensure that air from the area is directly exhausted to the outside and does not recirculate or drift to other areas within the public facility.

"(2) Nonsmoking individuals do not have to enter the area for any purpose.

"(3) Children under the age of 15 are prohibited from entering the area.

"SEC. 2802. CITIZEN ACTIONS.

"(a) IN GENERAL.—An action may be brought to enforce the requirements of this title by any aggrieved person, any State or local government agency, or the Administrator.

"(b) VENUE.—Any action to enforce this title may be brought in any United States district court for the district in which the defendant resides or is doing business to enjoin any violation of this title or to impose a civil penalty for any such violation in the amount of not more than $5,000 per day of

violation. The district courts shall have jurisdiction, without regard to the amount in controversy or the citizenship of the parties, to enforce this title and to impose civil penalties under this title.

"(c) NOTICE.—An aggrieved person shall give any alleged violator notice of at least 60 days prior to commencing an action under this section. No action may be commenced by an aggrieved person under this section if such alleged violator complies with the requirements of this title within such 60-day period and thereafter.

"(d) COSTS.—The court, in issuing any final order in any action brought pursuant to this section, may award costs of litigation (including reasonable attorney and expert witness fees) to any prevailing party, whenever the court determines such award is appropriate.

"(e) PENALTIES.—The court in any action under this section to apply civil penalties shall have discretion to order that such civil penalties be used for projects that further the policies of this title. The court shall obtain the view of the Administrator in exercising such discretion and selecting any such projects.

"(f) DAMAGES.—No damages of any kind, whether compensatory or punitive, shall be awarded in actions brought pursuant to this title.

"(g) ISOLATED INCIDENTS.—Violations of the prohibition specified in section 2801(b)(1) by an individual within a public facility or on facility property shall not be considered violations of this title on the part of the responsible entity if such violations—

"(1) are isolated incidents that are not part of a pattern of violations of such prohibition; and

"(2) are not authorized by the responsible entity.

"SEC. 2803. PREEMPTION.

"Nothing in this title shall preempt or otherwise affect any other Federal, State or local law which provides protection from health hazards from environmental tobacco smoke.

"SEC. 2804. REGULATIONS.

"The Administrator is authorized to promulgate such regulations as the Administrator deems necessary to carry out this title.

"SEC. 2805. EFFECTIVE DATE.

"The requirements of this title shall take effect on the date that is 1 year after the date of the enactment of the Smoke-Free Environment Act of 1997.

"SEC. 2806. DEFINITIONS.

"In this title:

"(1) ADMINISTRATOR.—The term 'Administrator' means the Administrator of the Environmental Protection Agency.

"(2) PUBLIC FACILITY.—The term 'public facility' means any building regularly entered by 10 or more individuals at least one day per week, including any such building owned by or leased to a Federal, State, or local government entity. Such term shall not include any building or portion thereof regularly used for residential purposes.

"(3) RESPONSIBLE ENTITY.—The term 'responsible entity' means, with respect to any public facility, the owner of such facility, except that in the case of any such facility or portion thereof which is leased, such term means the lessee.".

SEC. 3. PROHIBITIONS AGAINST SMOKING ON SCHEDULED FLIGHTS.

(a) IN GENERAL.—Section 41706 of title 49, United States Code, is amended to read as follows:

"§41706. Prohibitions against smoking on scheduled flights

"(a) SMOKING PROHIBITION IN INTRASTATE AND INTERSTATE AIR TRANSPORTATION.—An individual may not smoke in an aircraft on a scheduled airline flight segment in interstate air transportation or intrastate air transportation.

"(b) SMOKING PROHIBITION IN FOREIGN AIR TRANSPORTATION.—The Secretary of Transportation shall require all air carriers and foreign air carriers to prohibit, on and after the 120th day following the date of the enactment of the Smoke-Free Environment Act of 1997, smoking in any aircraft on a scheduled airline flight segment within the United States or between a place in the United States and a place outside the United States.

"(c) LIMITATION ON APPLICABILITY.—With respect to an aircraft operated by a foreign air carrier, the smoking prohibitions contained in subsections (a) and (b) shall apply only to the passenger cabin and lavatory of the aircraft.

"(d) REGULATIONS.—The Secretary shall prescribe regulations necessary to carry out this section.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the 60th day following the date of the enactment of this Act.

[From the New York Times News Service, May 20, 1997]

STUDY FINDS SECONDHAND SMOKE DOUBLES HEART DISEASE

(By Denise Grady)

Secondhand cigarette smoke is more dangerous than previously thought, Harvard researchers are reporting on Tuesday in a study with broad implications for public health policy and probable direct impact on at least one major lawsuit.

The 10-year study, which tracked more than 32,000 healthy women who never smoked, has found that regular exposure to other peoples' smoking at home or work almost doubled the risk of heart disease.

Many earlier studies have linked secondhand smoke to heart disease, but the new findings show the biggest increase in risk ever reported, and the researchers say that it applies equally to men and women.

The women in the study, who ranged in age from 36 to 61 when the study began, suffered 152 heart attacks, 25 of them fatal. The results mean that "there may be up to 50,000 Americans dying of heart attacks from passive smoking each year," said Dr. Ichiro Kawachi, an assistant professor of health and social behavior at the Harvard School of Public Health and the lead author of the study, which was published in the journal Circulation.

By contrast, lung cancer deaths from passive smoking are estimated to be far fewer, at 3,000 to 4,000 a year. Because heart disease is much more common than lung cancer, even a small increase in risk can cause many deaths.

Before this study, it was known that passive smoking caused increased risk for several ailments, including asthma and bronchitis, as well as middle-ear infections in young children. But the increased risk for heath disease had been estimated at about 30 percent.

"This is a very important study,' said Dr. Stanton Glantz, a professor of medicine at the University of California at San Francisco, who has done extensive research on passive smoking but who was not involved in the Harvard study. "It's exceptionally strong and from a very solid group." Glantz also praised the Harvard team for what he called its careful analysis of workplace exposure to smoke, which had rarely been done before.

:"That's important because of the effort to create laws controlling smoking in the workplace," he said.

Although the federal Occupational Safety and Health Administration has proposed nationwide workplace rules, they are not yet in effect. Regulations vary by state or city.

"This study will be of enormous help to legislative bodies, statewide and locally, who are trying to get limits on smoking, especially in controversial areas like restaurants and bars, where the tobacco industry has worked closely with restaurant associations to block legislation to make these places go smoke free," said Edward Sweda, a senior lawyer with the Tobacco Control Resource Center at Northeastern University in Boston.

The study may be particularly pertinent for one lawsuit.

"From our standpoint, that's a wonderful study," said Stanley Rosenblatt, a Miami lawyer representing flight attendants in a class-action suit against tobacco companies that will go to trial on June 2.

That suit is the first class-action suit based on the effects of secondhand smoke. The case could ultimately involve 60,000 former and current flight attendants, who will be seeking billions in damages, Rosenblatt said. The attendants contend they were harmed by smoke in airplane cabins when smoking was legal on most flights. Most of the plaintiffs have had lung cancer or respiratory ailments.

The Philip Morris Cos., which is named in the flight attendants' suit, declined to comment on the study. The Tobacco Institute, an industry group, said it could not comment on the study because it has not seen a copy of it.

The data being reported on Tuesday are from the Nurses' Health Study, a project that began in 1976 with 121,700 female nurses filling out detailed surveys every two years about their health and habits. To measure the effects of passive smoking, the researchers asked the women in 1982 about their exposure, and then monitored new cases of heart disease for the next decade. The analysis did not include all the study participants, but only the 32,046 who had never smoked and who at the onset did not have heart disease or cancer.

The women who reported being exposed regularly to cigarette smoke at home or work had a 91 percent higher risk of heart attack than those with no exposure. Even though the women worked in hospitals some were exposed to smoke on the job because at the time of the study many hospitals allowed smoking in certain areas. The study was set up to make sure that other risk factors like diabetes and high blood pressure did not account for the difference between the two groups.

Laboratory studies of the effects of passive smoke on the body support the survey findings, Glantz said.

In studies of both people and animals. Glantz and other researchers have identified several ways in which the chemicals in secondhand smoke can contribute to heart disease. Besides reducing a person's oxygen supply, the substances damage arteries, lower levels of the beneficial form of cholesterol known as HDL and increase the tendency of blood platelets to stick to one another and form clots that can trigger a heart attack. A study last year of healthy teen-agers and

adults exposed to passive smoking for an hour or more a day detected artery damage. The higher the exposure was, the greater the damage.

But once the exposure ceases, the damage may quickly heal.

"In active smokers, the risk of heart disease drops immediately," half of the way to that of a nonsmoker within a year, Glantz said. "It never gets quite back to the nonsmoker's level, but it comes close," he said. "One would expect the same to be true for passive smoking."

The Harvard study may supply ammunition for more lawsuit against the tobacco industry.

"I think it could have very profound implications legally," said John Banzhaf, a law professor at George Washington University and executive director of Action on Smoking and Health, an antismoking group. "We now have proof which will meet the legal threshold requirement. In an ordinary civil suit, you have to prove something by what we call a preponderance of evidence, which means it's more probable than not."

The doubling of risk shown on Tuesday's study satisfied that requirement, Banzhaf said, adding, "You're right in that striking range with regard to the quantum of proof which we need."

Because passive smoke can cause heart problems more quickly than it causes lung cancer, Banzhaf said, it will be easier to prove the connection to juries.

The study may also affect negotiations between Northwest Airlines and its flight attendants. The airline still allows smoking on many of its flights to Japan and has stated that it will continue to even after other American carriers ban smoking on those routes in July.

Flight attendants have protested the decision, but a spokesman for Northwest, John Austin, said the airline would maintain a smoking section because its major competitor on those flights, Japan Air Lines, permitted smoking.

"We believe that absent a smoking section we'll lose quite a bit of business in Japan," Austin said. But he added that Northwest's management had not yet seen the Harvard study. "It'll certainly factor in," he said. "But it's hard to say what the impact will be."•

By Mr. DURBIN (for himself and Mr. LAUTENBERG):

S. 828. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE NO TOBACCO FOR KIDS ACT

Mr. DURBIN. Mr. President, for more than 5 years now, the tobacco companies have said repeatedly, "We do not want to sell our products to kids." They have bought full page ads in the Washington Post, the New York Times, and the Wall Street Journal, saying that they adamantly oppose the sale of tobacco to kids.

I don't know many kids who read the Wall Street Journal, the New York Times, or the Washington Post. What the tobacco companies have been doing is creating a sham that they are serious about reducing sales to kids.

Let's take a look at the record. From 1991 to 1996, the percentage of children who use tobacco increased by almost 50 percent. This means that, at the same time the tobacco companies have been saying they are dedicated to reducing the illegal sales of tobacco to kids, more and more children have been buying the tobacco products those companies sell.

That is not an accident. This multibillion dollar industry is made up of tobacco companies that design their marketing and advertising to lure new customers into this addiction. The fact that more and more children are smoking is clear evidence that the tobacco companies have failed, once again, to tell the truth. They need these new, young customers to prop up their profits as older customers die or quit using tobacco. And they continue to do what it takes to secure a new generation of young people who are becoming hooked on their products.

Today, I am introducing, along with Senator FRANK LAUTENBERG and Congressman HENRY WAXMAN, a new piece of legislation that says the only honest way to approach the reduction of tobacco sales to children is to make the tobacco companies put their profits on the line.

The NO Tobacco For Kids Act says we will do a survey of the tobacco products for sale and find out how many children are using those products and what brands they are using. Then, each year, we will update that survey to see which products continue to be purchased by children. Those companies that continue to sell their products to children will face a fine of $1 a pack on all their sales if they don't reduce the number of children using their brands in steps to reach a reduction of 90 percent over the next 6 years. Since current childhood users will cycle out of the underage population over that time, this measure will give the tobacco companies a chance to show whether they are serious about reducing the use of tobacco products by kids.

Unless the tobacco companies have their profits on the line, we will continue to get cheap talk from them about stopping sales to kids. This bill puts teeth into the campaign to stop selling tobacco products to children. It sets a very simple standard for the tobacco companies: stop selling cigarettes and spit tobacco to children, or pay the consequences.

In the past, every child hooked on tobacco was a new profit center for the tobacco industry. This legislation totally reverses the incentives for marketing to children. When this measure becomes law, every new child who picks up a cigarette or pockets a can of spit tobacco will become an economic loss to the company whose products the child chooses. With that reversal, the tobacco companies will have a strong economic incentive to stop marketing to children.

Mr. President, this legislation could be one the simplest yet most effective steps we can take to reduce teenage tobacco use. I invite my colleagues to cosponsor the NO Tobacco For Kids Act and help us put in place clear performance standards for the tobacco industry to stop selling their products to minors.

I ask unanimous consent that a summary of this bill and the text of the bill appear in the RECORD.

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

S. 828

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 "NO Tobacco for Kids Act".

SEC. 2. CHILD TOBACCO USE SURVEYS.

(a) ANNUAL PERFORMANCE SURVEY.—Not later than 1 year after the date of the enactment of this Act and annually thereafter the Secretary shall conduct a survey to determine the number of children who used each manufacturer's tobacco products within the past 30 days.

(b) BASELINE LEVEL.—The baseline level of child tobacco product use of a manufacturer is the number of children determined to have used the tobacco products of such manufacturer in the first annual performance survey.

SEC. 3. GRADUATED PERFORMANCE STANDARDS.

(a) PERFORMANCE STANDARDS FOR EXISTING MANUFACTURERS.—Each manufacturer which manufactured a tobacco product on or before the date of the enactment of this Act shall reduce the number of children who use its tobacco products so that the number of children determined to have used its tobacco products on the basis of—

(1) the second annual performance survey is equal to or less than—

(A) 80 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(2) the third annual performance survey is equal to or less than—

(A) 60 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(3) the fourth annual performance survey is equal to or less than—

(A) 40 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater;

(4) the fifth annual performance survey is equal to or less than—

(A) 20 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater; and

(5) the sixth annual performance survey and each annual performance survey conducted thereafter is equal to or less than—

(A) 10 percent of the manufacturer's baseline level; or

(B) the de minimis level;

whichever is greater.

(b) PERFORMANCE STANDARDS FOR NEW MANUFACTURERS.—Any manufacturer of a tobacco product which begins to manufacture a tobacco product after the date of the enactment of this Act shall ensure that the number of children determined to have used the manufacturer's tobacco products in each annual performance survey conducted after the manufacturer begins to manufacture tobacco

products is equal to or less than the de minimis level.

(c) DE MINIMIS LEVEL.—The de minimis level shall be 0.5 percent of the total number of children determined to have used tobacco products in the first annual performance survey.

SEC. 4. NONCOMPLIANCE.

(a) FIRST VIOLATION.—If a manufacturer of a tobacco product violates a performance standard, the manufacturer shall pay a noncompliance fee of $1 for each unit of its tobacco product which is distributed for consumer use in the year following the year in which the performance standard is violated.

(b) FEE INCREASE FOR SUBSEQUENT VIOLATIONS.—If a manufacturer violates the performance standards in 2 or more consecutive years, the noncompliance fee for such manufacturer shall be increased by $1 for each consecutive violation for each unit of its tobacco product which is distributed for consumer use.

(c) REDUCTION IN NONCOMPLIANCE FEE.—If a manufacturer achieves more than 90 percent of the reduction in the number of children who use its tobacco products that is required under the applicable performance standard, the noncompliance fee required to be paid by the manufacturer shall be reduced on a pro rata basis such that there shall be a noncompliance fee reduction of 10 percent for each percentage point over 90 percent achieved by the manufacturer.

(d) PAYMENT.—The noncompliance fee to be paid by a manufacturer shall be paid on a quarterly basis, with the payments due within 30 days after the end of each calendar quarter.

SEC. 5. USE OF NONCOMPLIANCE FEE.

(a) FUNDS FOR ENFORCEMENT AND EDUCATION.—The first $1,000,000,000 of noncompliance fees collected in any fiscal year shall go into a Tobacco Enforcement and Education Fund in the United States Treasury. Fees in such fund shall be available to the Secretary, without fiscal year limitation, to enforce this Act and other Federal laws relating to tobacco use by children and for public education to discourage children from using tobacco products.

(b) FUNDS FOR THE TREASURY.—Any amount of noncompliance fees collected in any fiscal year which exceeds $1,000,000,000 shall be paid into the United States Treasury.

SEC. 6. JUDICIAL REVIEW.

A manufacturer of tobacco products may seek judicial review of any action under this Act only after a noncompliance fee has been assessed and paid by the manufacturer and only in the United States District Court for the District of Columbia. In an action by a manufacturer seeking judicial review of an annual performance survey, the manufacturer may prevail—

(1) only if the manufacturer shows that the results of the performance survey were arbitrary and capricious; and

(2) only to the extent that the manufacturer shows that it would have been required to pay a lesser noncompliance fee if the results of the performance survey were not arbitrary and capricious.

SEC. 7. ENFORCEMENT.

Section 301 of the Federal Food, Drug, and Cosmetic Act (28 U.S.C. 331) is amended by adding at the end the following:

"(x) The failure to pay any noncompliance fee required under the NO Tobacco for Kids Act.".

SEC. 8. PREEMPTION.

Nothing in this Act shall preempt or otherwise affect any other Federal, State, or local law or regulation which reduces the use of tobacco products by children.

SEC. 9. DEFINITIONS.

In this Act:

(1) CHILDREN.—The term "children" means individuals under the age of 18.

(2) CIGARETTE.—The term "cigarette" has the same meaning given such term by section 3(1) of the Federal Cigarette Labeling and Advertising Act (15 U.S.C. 1332(1)).

(3) CIGARETTE TOBACCO.—The term "cigarette tobacco" means any product that consists of loose tobacco that contains or delivers nicotine and is intended for use by consumers in a cigarette.

(4) MANUFACTURE.—The term "manufacture" means the manufacturing, including repacking or relabeling, fabrication, assembly, processing, labeling, or importing of a tobacco product.

(5) MANUFACTURER.—The term "manufacturer" means any person who manufactures a tobacco product.

(6) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(7) SMOKELESS TOBACCO.—The term "smokeless tobacco" has the same meaning given such term by section 9(1) of the Comprehensive Smokeless Tobacco Education Act of 1986 (15 U.S.C. 4408(1)).

(8) TOBACCO PRODUCT.—The term "tobacco product" means a cigarette, cigarette tobacco, or smokeless tobacco.

(9) UNIT.—The term "unit" when used in connection with a tobacco product means 20 cigarettes in the case of cigarettes and the smallest amount of tobacco distributed by a manufacturer for consumer use in the case of any other tobacco product.

THE NO TOBACCO FOR KIDS ACT (NOT FOR KIDS)

The NO Tobacco for Kids Act (NOT for Kids) will establish a clear performance standard for the reduction of youth smoking in America. For too many years, the tobacco companies have claimed they oppose youth smoking and spit tobacco use while continuing to hook new generations of kids on their deadly products. This bill sets out a schedule to reduce actual youth tobacco use and contains provisions that, for the first time, will give individual tobacco companies an economic incentive to stop marketing their products to children. Specifically, the bill provides that:

Within 1 year after enactment, the Secretary of HHS will conduct a survey to determine the number of children who used each manufacturer's tobacco products within the previous 30 days.

Each manufacturer will then face penalties if it does not reduce the number of children who use its tobacco products by specified percentages from this baseline level over the succeeding years. The performance standard for each manufacturer is as follows: Year 1: no standard, baseline survey is taken; year 2: 20-percent reduction from the baseline; year 3: 40-percent reduction from the baseline; year 4: 60-percent reduction from the baseline; year 5: 80-percent reduction from the baseline; year 6: 90-percent reduction from the baseline; and subsequent years: 90-percent reduction from the baseline.

Manufacturers that reduce use to a de minimus level—one-half percent of the current number of youth smokers—will be deemed in compliance.

If a manufacturer violates the performance standard, that manufacturer must pay a noncompliance fee of $1 per pack, pouch, can, et cetera, on all of their tobacco sales in the subsequent year—not just on sales to youth. If the manufacturer violates the performance standard for 2 or more consecutive years, the noncompliance fee is increased by $1 for each consecutive year of violation. A manufacturer who comes within 10 percent of the required reduction for a particular year will have its noncompliance fee reduced on a pro rata basis.

The first $1 billion of noncompliance fees collected in any fiscal year will go into a fund for enforcement and public education to discourage children from using tobacco products. Any additional fees will go to the Treasury for deficit reduction.

By Mrs. BOXER (for herself, Mrs. FEINSTEIN and Mr. KENNEDY):

S. 829. A bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes; to the Committee on Finance.

THE CLEAN-FUEL VEHICLE ACT OF 1997

Mrs. BOXER. Mr. President, today I am introducing the Clean Fuel Vehicle Act of 1997 to provide a program of tax incentives and other changes to promote the use of clean fuel vehicles. I believe that, as a U.S. Senator, I have no greater responsibility than to support policies that will protect the health and safety of the American people. Today, I want to tell you why I believe that my bill, the Clean Fuel Vehicle Act, is an important part of meeting that responsibility.

More than 43 million people in the United States live in areas that fail to meet EPA's air quality standards for carbon monoxide. We have 13 million people in nonattainment areas for nitrogen oxide. And, in my State of California, nearly 26 million people live in a nonattainment area for one or more pollutants, out of a state of nearly 32 million people. Air pollution is a very serious problem. According to the EPA, the current annual average concentrations of fine particulate matter in southeast Los Angeles County may be responsible for up to 3,000 deaths annually, and more then 52,000 incidences of respiratory symptoms including 1,000 hospital admissions.

Young children constitute the largest group at high risk from exposure to air pollutants. They breathe 50 percent more air by body weight than the average adult. In California alone there are over 6 million children under the age of 14 and approximately 90 percent of them live in areas that fail to meet State and Federal standards. How are our children being affected? Studies show health effects ranging from 20 to 60 percent losses of lung capacity.

So much of our air pollution problem comes from automobiles and other vehicles that burn fossil fuel. Sixty-five percent of carbon dioxide emissions and 47 percent of nitrogen oxide emissions come from cars and trucks.

I believe we must reinvigorate—electrify if you will—our efforts for clean fuel vehicles. The role of the Federal Government should be to encourage

the market for these vehicles for a limited period of time with tax incentives.

The Clean Fuel Vehicle Act would make it easier for both individual car buyers and government purchasers of auto fleets to purchase clean fuel vehicles. In summary, the bill repeals the luxury excise tax on clean fuel vehicles—a $320 savings this year on a $40,000, factory-built electric vehicle, and repeals the luxury tax depreciation cap. It provides a full tax credit of $4,000 on the purchase of an electric vehicle. It allows companies which lease electric vehicles to government agencies to take advantage of the tax incentives and pass on the savings. It makes electric buses and other heavy duty electric vehicles eligible for the same tax deduction already in place for other clean fuel buses and heavy duty equipment. It lowers the excise tax on liquified natural gas—used in heavy vehicles such as tractor-trailer rigs and buses—to the gasoline gallon equivalent of compressed natural gas so that it can be competitive with diesel fuel. And, it sunsets all these tax incentives by January 1, 2005.

According to estimates by the Joint Committee on Taxation, the bill would cost only about $22 million over 5 years. My bill is endorsed by the Union of Concerned Scientists, the Electric Transportation Coaltion, and the Natural Gas Vehicle/USA.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 829

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

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE.

(a) SHORT TITLE.—This Act may be cited as the "Clean-Fuel Vehicle Act of 1997".

(b) REFERENCE TO 1986 CODE.—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 Internal Revenue Code of 1986.

SEC. 2. EXEMPTION OF ELECTRIC AND OTHER CLEAN-FUEL MOTOR VEHICLES FROM LUXURY AUTOMOBILE CLASSIFICATION.

(a) IN GENERAL.—Subsection (a) of section 4001 (relating to imposition of tax) is amended to read as follows:

"(a) IMPOSITION OF TAX.—

"(1) IN GENERAL.—There is hereby imposed on the 1st retail sale of any passenger vehicle a tax equal to 10 percent of the price for which so sold to the extent such price exceeds the applicable amount.

"(2) APPLICABLE AMOUNT.—

"(A) IN GENERAL.—Except as provided in subparagraphs (B) and (C), the applicable amount is $30,000.

"(B) QUALIFIED CLEAN-FUEL VEHICLE PROPERTY.—In the case of a passenger vehicle which is propelled by a fuel which is not a clean-burning fuel to which is installed qualified clean-fuel vehicle property (as defined in section 179A(c)(1)(A)) for purposes of permitting such vehicle to be propelled by a clean-burning fuel, the applicable amount is equal to the sum of—

"(i) $30,000, plus

"(ii) the increase in the price for which the passenger vehicle was sold (within the meaning of section 4002) due to the installation of such property.

"(C) PURPOSE BUILT PASSENGER VEHICLE.—

"(i) IN GENERAL.—In the case of a purpose built passenger vehicle, the applicable amount is equal to 150 percent of $30,000.

"(ii) PURPOSE BUILT PASSENGER VEHICLE.—For purposes of clause (i), the term 'purpose built passenger vehicle' means a passenger vehicle produced by an original equipment manufacturer and designed so that the vehicle may be propelled primarily by electricity."

(b) CONFORMING AMENDMENTS.—

(1) Subsection (e) of section 4001 (relating to inflation adjustment) is amended to read as follows:

"(e) INFLATION ADJUSTMENT.—

"(1) IN GENERAL.—The $30,000 amount in subparagraphs (A), (B)(i), and (C)(i) of subsection (a)(2) shall be increased by an amount equal to—

"(A) $30,000, multiplied by

"(B) the cost-of-living adjustment under section 1(f)(3) for the calendar year in which the vehicle is sold, determined by substituting 'calendar year 1990' for 'calendar year 1992' in subparagraph (B) thereof.

"(2) ROUNDING.—If any amount as adjusted under paragraph (1) is not a multiple of $2,000, such amount shall be rounded to the next lowest multiple of $2,000."

(2) Subsection (f) of section 4001 (relating to phasedown) is amended by striking "subsection (a)" and inserting "subsection (a)(1)".

(3) Subparagraph (B) of section 4003(a)(2) is amended to read as follows:

"(B) the appropriate applicable amount as determined under section 4001(a)(2)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring and property placed in service on or after the date of enactment of this Act.

SEC. 3. EXEMPTION OF THE INCREMENTAL COST OF A CLEAN FUEL VEHICLE FROM THE LIMITS ON DEPRECIATION FOR VEHICLES.

(a) IN GENERAL.—Section 280F(a)(1) (relating to limiting depreciation on luxury automobiles) is amended by adding at the end the following new subparagraph:

"(C) SPECIAL RULE FOR CERTAIN CLEAN-FUEL PASSENGER AUTOMOBILES.—

"(i) MODIFIED AUTOMOBILES.—In the case of a passenger automobile which is propelled by a fuel which is not a clean-burning fuel to which is installed qualified clean-fuel vehicle property (as defined in section 179A(c)(1)(A)) for purposes of permitting such vehicle to be propelled by a clean burning fuel (as defined in section 179A(e)(1)), the depreciation deductions specified in subparagraph (A) shall be increased by the incremental cost of the installed qualified clean burning vehicle property as depreciated pursuant to section 168 by applying the rules under subsections (b)(1), (d)(1), and (e)(3)(B) thereof.

"(ii) PURPOSE BUILT PASSENGER VEHICLES.—In the case of a purpose built passenger vehicle (as defined in section 4001(a)(2)(C)(ii)), the depreciation deductions specified in subparagraph (A) shall be tripled.

"(iii) INCREMENTAL COST.—For purposes of clause (i), the incremental cost shall be the equal of the lesser of—

"(I) the incremental cost of the installed qualified clean fuel vehicle property (as so defined), or

"(II) the amount by which the total cost of the clean fuel passenger automobile exceeds the sum of the amounts that would be allowed under subparagraph (A) for the recovery period determined by applying the rules under subsections (d)(1) and (e)(3) of section 168."

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and installations occurring and property placed in service on or after the date of enactment of this Act and before January 1, 2005.

SEC. 4. GOVERNMENTAL USE RESTRICTION MODIFIED FOR ELECTRIC VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 30(d) (relating to special rules) is amended by inserting "(without regard to paragraph (4)(A)(i) thereof)" after "section 50(b)".

(b) CONFORMING AMENDMENT.—Paragraph (5) of section 179A(e) (relating to other definitions and special rules) is amended by inserting "(without regard to paragraph (4)(A)(i) thereof in the case of a qualified electric vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii) of this section)" after "section 50(b)".

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 5. LARGE ELECTRIC TRUCKS, VANS, AND BUSES ELIGIBLE FOR DEDUCTION FOR CLEAN-FUEL VEHICLES.

(a) IN GENERAL.—Paragraph (3) of section 179A(c) (defining qualified clean-fuel vehicle property) is amended by inserting ", other than any vehicle described in subclause (I) or (II) of subsection (b)(1)(A)(iii)" after "section 30(c))".

(b) DENIAL OF CREDIT.—Subsection (c) of section 30 (relating to credit for qualified electric vehicles)is amended by adding at the end the following new paragraph:

"(3) DENIAL OF CREDIT FOR VEHICLES FOR WHICH DEDUCTION ALLOWABLE.—The term 'qualified electric vehicle' shall not include any vehicle described in subclause (I) or (II) of section 179A(b)(1)(A)(iii)."

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service on or after the date of enactment of this Act.

SEC. 6. ELECTRIC VEHICLE CREDIT AMOUNT AND APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.

(a) IN GENERAL.—Subsection (a) of section 30 (relating to credit for qualified electric vehicles) is amended by striking "10 percent of".

(b) APPLICATION AGAINST ALTERNATIVE MINIMUM TAX.—Section 30(b) (relating to limitations) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 1996.

SEC. 7. RATE OF TAX ON LIQUEFIED NATURAL GAS TO BE EQUIVALENT TO RATE OF TAX ON COMPRESSED NATURAL GAS.

(a) IN GENERAL.—Paragraph (3) of section 4041(a) (relating to diesel fuel and special motor fuels) is amended—

(1) by striking subparagraph (A) and inserting the following new subparagraph:

"(A) IMPOSITION OF TAX.—

"(i) IN GENERAL.—There is hereby imposed a tax on compressed or liquefied natural gas—

"(I) sold by any person to an owner, lessee, or other operator of a motor vehicle or motorboat for use as a fuel in such motor vehicle or motorboat, or

"(II) used by any person as a fuel in a motor vehicle or motorboat unless there was a taxable sale of such gas under subclause (I).

"(ii) RATE OF TAX.—The rate of tax imposed by this paragraph shall be—

"(I) in the case of compressed natural gas, 48.54 cents per MCF (determined at standard temperature and pressure), and

"(II) in the case of liquefied natural gas, 3.54 cents per gallon.", and

(2) by inserting "OR LIQUEFIED" after "COMPRESSED" in the heading.

(b) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 4041(a)(2) is amended by striking "other than a Kerosene" and inserting "other than liquefied natural gas, kerosene".

(2) The heading for section 9503(f)(2)(D) is amended by inserting "OR LIQUEFIED" after "COMPRESSED".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

By Mr. HELMS (for himself, Mr. FEINGOLD, Mr. HUTCHINSON, and Mr. WELLSTONE):

S.J. Res. 31. A joint resolution disapproving the extension of nondiscriminatory treatment (most-favored-nation treatment) to the products of the People's Republic of China; to the Committee on Finance.

MOST-FAVORED-NATION TREATMENT DISAPPROVAL JOINT RESOLUTION

Mr. HELMS. Mr. President, in offering this resolution, Mr. President, which formally disapproves President Clinton's renewal of MFN for China, I am pleased that the able Senator from Wisconsin [Mr. FEINGOLD] is a principal cosponsor of the resolution of disapproval.

In moving around my State during the Memorial Day recess I was impressed with the attitude of a majority of North Carolinians who are absolutely persuaded that the United States must conduct its policy toward China on the basis of morality as well as pragmatism. It has made no sense either morally or practically for the United States to have conducted its China policy as it has for so long.

There are many who are asserting the truth that the term MFN, which stands for most favored nation, is certainly a misnomer. MFN, in fact, means that a country gets trade treatment as good as anybody else's, not that it gets more favorable treatment than any other country. I accept that and I oppose MFN on exactly those grounds. China gets the same trade treatment that virtually everybody else gets. When a country like China gets normal trade relations with the United States it is getting better treatment than China deserves. That is just plain foolish.

Those who favor MFN for Communist China also like to point out that other countries with at least equally dubious records—like Iran, Iraq, Syria, Libya and Burma—qualify for MFN without an annual debate. Therefore, the proMFN crowd says China ought to get MFN without an annual debate.

I dissent. The trouble with that, Mr. President, is this. Those people who rely on the cases of these countries to make their points about MFN for China just have not done their homework. It is disingenuous at best for the proMFN lobby to create the impression that Iran, Iraq, Libya, and Syria, enjoy MFN status, because they absolutely do not. MFN for Iran, Iraq, Syria, and Libya is a moot point since nearly all trade is banned with them due to their involvement in state-sponsored terrorism.

Burma may technically have MFN status but it, also, is the subject of a ban on new United States investment. Syria and Burma both are denied low-tariff benefits under the generalized system of preferences. Besides that, policies against individual countries have evolved in response to historical developments and the needs of U.S. policy. No proponent of MFN renewal would say that the United States should treat every country exactly the same way regardless of specific conditions inside the country, the type of government it has, or the type of threat it poses to the United States or to the neighbors of the United States.

Now, China is a special case, Mr. President. When you stop to think about it there is no valid reason for the United States—this is the world's leader in freedom—offering the same trading terms for China that the United States offers to other nations that do honor their citizens' human rights and that do respect the rule of law. Now, there can be no such thing as normal trade with the world's largest country, a Communist system engaging in proliferation of conventional nuclear, biological, and chemical weapons.

A country of which our State Department can say, there was not a single dissident active in 1996.

A country which is violating commitments it made in an international agreement to preserve Hong Kong's institutions and way of life virtually intact.

A country whose economy is built on prison labor and Peoples Liberation Army joint ventures with U.S. companies.

A country which fires missiles across the Taiwan strait in an attempt to intimidate the people of Taiwan from conducting democratic elections.

A country which makes money from organ transplants taken from prisoners, who have just been shot in the head.

A country which has a policy of forced abortion.

A country which has systematically destroyed Tibet's religion and culture.

A country which violates international law in the South China Sea.

A country which has a huge and growing trade deficit with the United States.

It matters not whether one calls China's trade status most favored nation, or normal trade relations as the White House Office of "newspeak" wishes to call it. Either way, it's a bad policy, when one considers that in every important area of United States-China relations—from weapons proliferation, to human rights, to trade and intellectual property, to Hong Kong—the White House crowd has made the word "engagement" synonymous with the word "appeasement."

Let's talk for a little while about China's record of weapons proliferation. In April, a subcommittee of the Governmental Affairs Committee chaired by the able Senator from Mississippi, [Mr. COCHRAN], held a hearing which laid out the truth about Chinese proliferation, that this administration has repeatedly failed to impose sanctions required by United States law for China's transfers of equipment, components and weapons of mass destruction to Iran and Pakistan.

On human rights, the State Department acknowledges continued widespread abuse of human rights by China. This year's annual human rights report catalogues violations of rights of speech, assembly, and association, and abuses including extra-judicial punishment, prison labor, and religious repression.

Even more shocking than the extent of these abuses is the administration's refusal to use United States leverage to influence China, or even United States allies. This year, the United States failed to mount a credible campaign to introduce and pass a resolution condemning Chinese human rights abuses at the U.N. Human Rights Commission in Geneva.

The Commission's meeting is not a mystery. It is scheduled a year in advance. Yet this administration did almost no lobbying until the last minute. That's because the administration hoped against hope that the Vice President's trip to China would result in some concessions by the Chinese which would enable the administration to abandon the resolution once and for all.

But just guess what happened. China did not make concessions to Vice President GORE and the Clinton administration was left trying to put together a coalition at Geneva.

In trade, the story is the same. There is absolutely no improvement. The United States trade deficit with China climbed once again this year, to just under 40 percent. According to the President, that's an increase of 17 percent over last year. United States companies have precious little access to China's market, even as they are pouring investment into China. Sometimes, United States companies deal with the

People's Liberation Army. Sometimes they deal with factories using with prison labor. That is the way the game is played—under cover, under the table.

The United States buys 30 percent of China's exports. Yet China makes up just 2 percent of the United States export market—30 vs. 2. This past year, United States exports to Taiwan, Hong Kong—and even to Belgium, if you believe that, were greater than United States exports to China, even though the populations of each of these countries are a tiny fraction of China's population.

Just the same, we hear the same old rhetoric from certain businessmen. They come to my office day after day. I like them. I am sorry I can't agree with them. But I tell them I do not agree with them. They sit there and contend that the United States needs to trade with China. It will open up society; that is to say, the Chinese society, they say. But what is going on in China isn't free trade but trade on the Chinese Government's terms, which can be changed every hour on the hour.

The Chinese military operates commercial enterprises. Let me repeat that. The Chinese military army, all the rest of it, they are in business. They do that so they can pay for the ever-growing cost of operating their military establishment—and, by the way, collect technology from the United States and other sucker governments who send it to them.

No rule of law protects Chinese or foreign investors. Official corruption is widespread, and everybody knows it. A disagreement with a business partner who has an official connection can land you in jail in China, or worse. You might be one of the guys hauled out on that field tomorrow morning with a bullet through your head so that one of your organs can be sold for $40,000 cash money.

Want a run down of stories you won't hear from those lobbying Congress for MFN?

In 1994, Revpower, a Florida company won an international arbitration award against a Chinese state-owned enterprise. Despite China's obligations as a party to the 1958 Convention on Recognition and Enforcement of Foreign Arbitral Awards, China has failed to enforce the award in its courts.

In 1994, James Peng, an Australian citizen, was seized by Chinese police in Macau—which is not yet under Chinese control—and taken to China. In this case, the court found Peng innocent of any wrongdoing, but local officials who saw an opportunity to extort money from Peng and his partners. Peng has been in jail ever since.

Troy McBride, a United States businessman, had his passport seized and was detained for several weeks in a hotel in China in 1995. You can read about this in last year's State Department Human Rights Report.

According to the Chicago Tribune, Philip Cheng, a Chinese-American, was jailed without charges in 1993 over a dispute with his joint venture partner. In the story about Mr. Cheng, a Western diplomat was quoted as saying:

> When a deal goes sour we only hear about the worst cases. But dozens, perhaps hundreds of businessmen have been mobbed, punched and even jailed to make them pay what the locals demand. In most cases the victims make no fuss because their companies want to keep doing business in China.

Zhang Gueixing, a U.S. resident immigrant was imprisoned for 2½ years in connection with a dispute over bicycles. While in prison, Zhang witnessed executions of prisoners.

China has steadily reneged on its commitments in the 1984 Joint Declaration. In that agreement, China promised that Hong Kong would have an elected legislature, an accountable executive, an independent judiciary, and a broad range of personal and political freedoms including rights of speech, assembly, association, and religion. For the past several years China has first announced a violation of the joint declaration, then carried it out. This is all a matter of public record.

Yet, the United States has failed to prevent or reverse a single violation of the joint declaration. How can it when the administration's official position is that the United States is not entitled to say what does or does not violate the joint declaration?

Where the President will not lead, the Congress must act. An editorial from *The Weekly Standard* noted that:

> The Clinton Administration obstinately refuses to link U.S. China policy to anything the Chinese do or fail to do. Linkage must be reestablished; equilibrium must be restored to the relationship between the United States and its most troublesome and persistent challenger. That mission falls to the Congress by default.

For far too long, the United States has failed to recognize and use its leverage over China.

Mr. President, revoking MFN will not be the end of our China policy. MFN is the means toward restoring equilibrium in the relationship.

China scholar Harry Harding's book, "A Fragile Relationship," chronicles the early 1990's, when there was a real threat of MFN revocation in response to the Tiananmen Square Massacre. In response to the threat Beijing ended martial law, released several hundred political prisoners, bought Boeing aircraft and let a prominent dissident out of the country.

The Congress should withhold MFN status for China this year, otherwise the administration will continue to acquiesce to every violation of international law, international agreement, bilateral agreement, and United States law. The administration's policy toward China has been an abject failure. Abject, means both "utterly hopeless" and "shamelessly servile." Which, it seems to me, fairly sums up the situation.

I thank the Chair. I yield the floor.

The PRESIDING OFFICER. The joint resolution will be appropriately referred.

• Mr. FEINGOLD. Mr. President, the Chairman of the Foreign Relations Committee [Mr. HELMS] and I have today introduced a joint resolution of disapproval for the President's decision to extend most-favored-nation status to China.

This is third year in a row that I will be introducing this joint resolution, and—I am pleased to say—the second time with Senator HELMS. I have joined with the chairman once again because I believe that trade policy is an effective tool that the United States can and should use with respect to the Chinese Government. I am pleased that Senators WELLSTONE and HUTCHINSON of Arkansas have joined us in introducing this bipartisan resolution.

Mr. President, on May 19, President Clinton announced his intention to extend for another year most-favored-nation trading status to China, which he formally requested from the Congress last week. Although we have expected the President to make such a decision for some time now, I can only say that I am once again disappointed in the President's decision. In fact, I have objected to the President's policy regarding the extension of MFN status to China since 1994, when he de-linked the issue of human rights from our trading policy. The argument made then is that trade rights and human rights are not interrelated. At the same time, it was said, through "constructive engagement" on economic matters, and dialogue on other issues, including human rights, the United States could better influence the behavior of the Chinese Government.

That was a mistake.

Let those who support "constructive engagement" visit the terribly ill Wei Jingsheng in his prison cell, and ask him if developing markets for toothpaste or breakfast cereal will help him win his freedom or save his life. I do not see how closer economic ties alone will somehow transform China's authoritarian system into a more democratic one. Unless we press the case for improvement in China's human rights record, using the leverage afforded us by the Chinese Government's desire to expand its economy and increase trade with us, I do not see how conditions will get much better.

De-linking MFN has resulted only in the continued despair of millions of Chinese people, and there is no evidence that MFN has influenced Beijing to improve its human rights policies. Basic freedoms—of expression, of religion, of association—are routinely denied. Rule of law, at least as I would define it, does not exist.

Mr. President, shortly before the Memorial Day recess, the Foreign Relations Committee held several hearings on the current situation in China. We had, for example, an excellent hearing on the situation in Tibet, where China continues its cultural and political repression and still refuses to begin a dialogue with the Dalai Lama, a Nobel laureate. We also heard testimony about how China is not sticking to its commitments under a 1992 Memorandum of Understanding with the United States on the issue of the use of forced prison labor. It is unconscionable that American consumers have unwittingly been used to help finance the abhorrent Chinese policy of reform through labor.

And that is not all.

Virtually every review of the behavior of the Chinese Government over the past year demonstrates that not only has there been no improvement in the human rights situation in China, but in many cases, it has worsened.

Now, 3 years after the President's decision to de-link MFN from human rights, the State Department's most recent Human Rights report on China describes, once again, an abysmal situation. According to the report,

> The Government continued to commit widespread and well-documented human rights abuses, in violation of internationally accepted norms, stemming from the authorities' intolerance of dissent, fear of unrest, and the absence or inadequacy of laws protecting basic freedoms. . . . Abuses included torture and mistreatment of prisoners, forced confessions, and arbitrary and lengthy incommunicado detention. Prison conditions remained harsh. The Government continued severe restrictions on freedom of speech, the press, assembly, association, religion, privacy, and worker rights.

In October 1996, we were witness to yet another example of these policies, when Wang Dan, one of the leaders of the 1989 pro-democracy demonstrations in Tiananmen Square, was sentenced to 11 years in prison. This was, of course, after he had already been held in incommunicado detention for 17 months in connection with the issuance of a pro-democracy petition. Many political prisoners—some whose names we know, like Mr. Wang and Mr. Wei, and many of whose names we do not—have become ill as a result of their prolonged incarcerations, and are not receiving proper medical care.

The past year also saw the December arrest of Ngawang Choepel, a Tibetan musicologist and former Fulbright scholar who was the subject of a recent Moynihan resolution that I was proud to cosponsor. Also in December, a Beijing court sentenced activist Li Hai for collecting information on Tiananmen activists in prison. Li was trying to compile a list giving the name, age, family situation, crime, length of sentence, and the location of the prison in which these activists were held.

In June 1996, university teacher Zhang Zong-ai was arrested and later sentenced for meeting with Wang Dan and writing to Taiwanese leaders. Earlier this year, reports emerged from Tibet indicating severe torture of Tibetan nuns allegedly involved in separatist activities.

Freedom of expression is curtailed by other means as well. Although the government has recently encouraged the expansion of the Internet and other communications infrastructure, it requires Internet users to register and sign a pledge not to endanger security. Selected web sites, like those from news organizations based in Hong Kong and Taiwan, or those hosted by dissidents, are blocked by the government, and authorities continue to jam Voice of America broadcasts.

Mr. President, Beijing's contempt for United States values is evident in many fora: in the loathsome compulsory one-child family planning program, in the increased incidence of religious persecution, in the sales of nuclear equipment to Pakistan or missiles to Iran, and in China's utter disregard for agreements to end violations of United States intellectual property rights. Lack of progress in these areas flies in the face of the United States policy of "constructive engagement," with respect to China.

In my view—and I know that Senator HELMS agrees with me here—it is impossible to come to any other conclusion except that "constructive engagement" has failed to make any change in Beijing's human rights behavior. I would say that the evidence justifies the exact opposite conclusion: human rights have deteriorated and the regime continues to act recklessly in other areas vital to U.S. national interest.

At the May 13, 1997, Senate Foreign Relations Committee hearing on The Situation of Tibet and its People, Dr. Robert Thurman, a renowned expert in Tibetan culture who has traveled to the region numerous times over the past 35 years, presented compelling testimony about the Chinese Government's intentions toward the Tibetan people. Dr. Thurman explained quite clearly that, "It is a calculated policy consistent [of the] Chinese Government . . . to eradicate those who might some day claim the land of Tibet back to them." In order to achieve this goal, Dr. Thurman explained, the Chinese Government engages in all kinds of activities to destroy Tibetan culture, Tibetan religion and Tibetan identity, and in so doing, attempts to assimilate Tibetans into the Chinese way of life.

But what was most striking about Dr. Thurman's testimony was his description of the behavior of the Chinese Government over the past 3 years, and in particular, Beijing's reaction to United States trade policy. Mr. President, allow me to read from his oral testimony:

> It is definitely a fact that anyone who goes to Tibet regularly—and I have been there eight times—anyone who goes there regularly will tell you that since 1994, when our Executive Branch misguidedly delinked . . . trade privileges from the Chinese behavior, the Chinese behavior accelerated in a negative direction to an extreme degree. Since 1994, the complete oppression of Tibetan religion and the Tibetan national identity has been reembarked upon by the recent and current administration in China. From 1994 to 1997, their policy has returned to being completely genocidal, no longer pretending even to tolerate Tibetan religion . . . They have expelled many monks from monasteries. They have closed important monasteries . . . [The Chinese] will never abandon [Tibet] when they feel we have no real will to do anything serious no matter what they do . . . This has been proven in religious terms . . . in the last three years, since 1994. Once you delinked the money from their treatment of human rights, from their treatment of religion in Tibet, they just went and completely abused everything totally. They undid all sorts of liberties that had been allowed in the 1980s, in fact. They completely have undone them.

So, Mr. President, we have here compelling testimony of my main argument: that the delinking of trade privileges from human rights issues has actually led to a worsening of the human rights situation in China.

Perhaps equally disturbing, China continues to violate agreements with the United States on other issues. Violations of agreements on intellectual property rights cost U.S. firms an estimated $1.8 billion annually. Violations of the memorandum of understanding on prison labor, according to some estimates, have resulted in millions of dollars worth of tainted goods being imported into our country. And China's blatant disregard for international efforts to control nuclear proliferation cost us unimaginable sums in future international security.

We have so few levers that we can use against China. And if China is accepted by the international community as a superpower under the current conditions, it will believe it can continue to abuse human rights with impunity. The more we ignore the signals and allow trade to dictate our policy, the worse we can expect the human rights situation to become.

We know that putting pressure on the Chinese Government can have some impact. China released dissident Harry Wu from prison when his case threatened to disrupt the First Lady's trip to Beijing for the U.N. Conference on Women, and it similarly released both Wei Jingsheng and Wang Dan around the same time that China was pushing to have the 2000 Olympic Games in Beijing. After losing that bid, and once the spotlight was off, the Chinese government rearrested both Wei and Wang.

Examples such as this only affirm my belief that the United States should make it clear that human rights are of real—as opposed to rhetorical—concern to this country. Until Wei Jingsheng, Wang Dan, and others committed to reform in China are allowed to speak

their voices freely and work for change, United States-China relations should not be based on a business-as-usual basis. Last Sunday, Fred Hiatt illustrated this point in a Washington Post editorial called The Skyscraper and the Bookstore. In recalling the 1993 tour of Beijing that Chinese leaders offered to Mr. Wei after he had been in prison for 14 years, Hiatt wonders whether the skyscraper, a powerful symbol of Western-style economic modernization, or a bookstore, in which Wei found little literary diversity, is the more significant portent for China's future. Hiatt's point is that the more the United States focuses on its trade and economic relations with China, the more skyscrapers might be built in Beijing. But despite massive urban development, there has not been massive development in the most basic freedoms of expression and ideas.

Mr. President, I ask unanimous consent that the full text of Hiatt's June 1, 1997, Washington Post op-ed be included in the RECORD.

Mr. President, this year—1997—is perhaps the most important year since 1989 with respect to our relationship with the Chinese Government. In less than 1 month, Hong Kong will revert to China, and already there are fears of what the transition may mean for democratic liberties in that city. There may also be significant developments with respect to China's desire to join the World Trade Organization. And of course, there are the myriad other issues I have already mentioned.

But even with all that is going on, the United States and others in the international community failed to pass a resolution regarding China at the United Nations Commission on Human Rights earlier this year largely because China lobbied hard to prevent it. That failure proves that it is even more important for the United States to use the levers that we do have to pressure China's leaders.

Mr. President, if moral outrage at blatant abuse of human rights is not reason enough for taking a tough stance with China—and I believe it is and that the American people do as well—then let us do so on grounds of real political and economic self-interest. We must not forget that we currently have a trade deficit of nearly $40 billion. Forty billion dollars. Political considerations aside, such a deficit represents a formidable obstacle to developing normal trading relations with China at any point in the near future. Plus, China is becoming more and more dangerously involved in nefarious arms dealings with Iran and Pakistan.

But, Mr. President, my main objective today is to push for the United States to once again make the link between human rights and trading relations with respect to our policy in China. As I have said before, I believe that trade—embodied by the peculiar annual exercise of MFN renewal—is one of the most powerful levers we have, and that it was a mistake for the President to de-link this exercise from human rights considerations.

So, Mr. President, for those who care about human rights, about freedom of religion, and about America's moral leadership in the world, I urge support for the Helms-Feingold resolution disapproving the President's decision to renew most-favored-nation status for China.

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

[From the Washington Post, June 1, 1997]

THE SKYSCRAPER AND THE BOOKSTORE

(By Fred Hiatt)

After keeping him in prison for 14 years, Chinese leaders decided one day in 1993 to give their leading dissident, Wei Jingsheng, a tour of Beijing. For Wei, the tour produced a shock—and perhaps something of a reproof as well. Wei had been writing from his solitary cell that economic modernization could not take place without democracy; yet the sleepy capital he remembered from 1979, with only bicycles clogging its wide boulevards, had become a modern city with traffic jams, skyscrapers and fancy new hotels.

"The changes are enormous," Wei admitted. "They made an old Beijinger like myself feel like a tourist—a stranger in his own hometown."

But then Wei insisted that his keepers take him to a bookstore. There he found offerings no broader than they had been before the Cultural Revolution. The economy had expanded, but freedom of thought and expression had not. "But this is precisely your goal," Wei wrote to China's president. "Widespread cultural ignorance is the foundation for dictatorship."

The contrast Wei noted during his brief field trip from jail underlies Washington's current debate over extending most-favored-nation (MFN) trading status to China and, more broadly, U.S.-China relations. Which is the more significant portent for China's future, the skyscraper or the bookshop?

Those who favor MFN extension point to the skyscraper, arguing that economic modernization inevitably will lead to political liberalization—that if you get enough skyscrapers, eventually you'll get books and newspapers, too. This has been the pattern in South Korea and Taiwan, after all, where a rising middle class eventually insisted on democratic rights. Even in China, where authoritarian rulers maintain tight political control, market reforms have brought new freedoms—to choose one's place of work and residence, to live private and personal lives.

Yet a South Korea-style progression is not inevitable. Nazi Germany proved that a totalitarian political regime can comfortably co-exist with capitalism—with private shopkeepers, big corporations, a developed middle class.

Ah, but the advent of the information age has changed all that, the argument continues. Knowledge is the essential commodity of tomorrow's economies, and no nation that limits its flow can prosper.

It's a seductive argument, and it may be true in the very long run. The demise of the Soviet Union, where even a copying machine was considered subversive, gave currency to the view. But totalitarian regimes can use information technologies as well as be undermined by them as George Orwell realized some time ago. China's regime so far has proved far more adept than the Soviet Union at attracting commercial knowledge and technology from outside while controlling the political debate inside—intimidating print media in Hong Kong, monitoring Internet access in China, whipping up nationalistic fervor to promote its own survival.

So China might become more democratic; it also might become more fascist, a danger to its neighbors and to U.S. interests, too. Given that uncertainty, the debate shifts: Can other nations do anything to steer China toward the first outcome? Supporters of MFN extension argue that trade sanctions won't work; China "has steadfastly resisted efforts to link its commercial interests to its behavior in other areas," Laura D'Andrea Tyson, President Clinton's first term economic adviser, wrote in the Wall Street Journal last week.

This isn't quite right either. In the few years after the Tiananmen Square massacre, when China's leaders believed Congress would impose serious sanctions, they released political prisoners and allowed a leading dissident to go into exile. Once President Clinton "delinked" trade and human rights, the concessions stopped.

Yet trade sanctions are surely an imperfect tool. Are there others? Tyson argues that "with the limited means at our disposal, we can try to shape the kind of great power China will become and the path it will travel to get there." She doesn't say what those means might be, but in 1994 the Clinton administration produced a long list of possibilities. The United States would no longer use MFN as a lever, Clinton said then, but it would prod China in many other ways: supporting "civic society," pushing human rights issues in international forums, working with U.S. businesses to develop voluntary principles for operating in China and more.

Unfortunately, most of these resolutions fell by the wayside, some right away, some after a few years. Clinton's promise to use non-trade methods to "try to shape" China, in Tyson's words, proved to be more spin than policy, so the concept was never really put to the test. As a result, political freedoms in China are, if anything, more restricted, and many in Congress see MFN as the only way to send a message.

Wei is back in prison and unavailable for comment on this turn of events. In his prison letters, though (recently published in this country), Wei maintained that a peaceful evolution toward democracy would be almost impossible for China unless other nations pushed in that direction, supporting those Chinese who share their values.

"One way to minimize losses and setbacks for all sides is for countries with related interests to exert pressure and help bring about internal progress and reform," Wei wrote in 1991. Six years later, Wei undoubtedly is still waiting.

The writer is a member of the editorial page staff.●

ADDITIONAL COSPONSORS

S. 50

At the request of Mr. FAIRCLOTH, the name of the Senator from Alaska [Mr. MURKOWSKI] was added as a cosponsor of S. 50, a bill to amend the Internal Revenue Code of 1986 to provide a nonrefundable tax credit for the expenses of an education at a 2-year college.

S. 89

At the request of Ms. SNOWE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 89, a bill to prohibit discrimination against individuals and their family members on the basis of genetic information, or a request for genetic services.

S. 92

At the request of Mr. KERRY, the name of the Senator from Washington [Mrs. MURRAY] was added as a cosponsor of S. 92, a bill to amend title VII of the Civil Rights Act of 1964 to establish provisions with respect to religious accommodation in employment, and for other purposes.

S. 191

At the request of Mr. HELMS, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 191, a bill to throttle criminal use of guns.

S. 232

At the request of Mr. HARKIN, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 232, a bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes.

S. 263

At the request of Mr. MCCONNELL, the name of the Senator from Hawaii [Mr. AKAKA] was added as a cosponsor of S. 263, a bill to prohibit the import, export, sale, purchase, possession, transportation, acquisition, and receipt of bear viscera or products that contain or claim to contain bear viscera, and for other purposes.

S. 332

At the request of Mr. HARKIN, the name of the Senator from Minnesota [Mr. WELLSTONE] was added as a cosponsor of S. 332, a bill to prohibit the importation of goods produced abroad with child labor, and for other purposes.

S. 350

At the request of Mr. THURMOND, the name of the Senator from Maine [Ms. SNOWE] was added as a cosponsor of S. 350, a bill to authorize payment of special annuities to surviving spouses of deceased members of the uniformed services who are ineligible for a survivor annuity under transition laws relating to the establishment of the Survivor Benefit Plan under chapter 73 of title 10, United States Code.

S. 358

At the request of Mr. DEWINE, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Utah [Mr. BENNETT] were added as cosponsors of S. 358, a bill to provide for compassionate payments with regard to individuals with blood-clotting disorders, such as hemophilia, who contracted human immunodeficiency virus due to contaminated blood products, and for other purposes.

S. 387

At the request of Mr. HATCH, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Texas [Mr. GRAMM], the Senator from New Jersey [Mr. LAUTENBERG], and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from North Carolina [Mr. FAIRCLOTH], and the Senator from Maine [Ms. COLLINS] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 405

At the request of Mr. HATCH, the names of the Senator from Kentucky [Mr. FORD], the Senator from Nebraska [Mr. HAGEL], and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 405, a bill to amend the Internal Revenue Code of 1986 to permanently extend the research credit and to allow greater opportunity to elect the alternative incremental credit.

S. 406

At the request of Mr. HATCH, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 406, a bill to amend the Internal Revenue Code of 1986 to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home.

S. 433

At the request of Mr. BROWNBACK, the names of the Senator from North Carolina [Mr. FAIRCLOTH] and the Senator from Texas [Mrs. HUTCHISON] were added as cosponsors of S. 433, a bill to require Congress and the President to fulfill their Constitutional duty to take personal responsibility for Federal laws.

S. 460

At the request of Mr. BOND, the names of the Senator from Kentucky [Mr. MCCONNELL] and the Senator from Indiana [Mr. COATS] were added as cosponsors of S. 460, a bill to amend the Internal Revenue Code of 1986 to increase the deduction for health insurance costs of self-employed individuals, to provide clarification for the deductibility of expenses incurred by a taxpayer in connection with the business use of the home, to clarify the standards used for determining that certain individuals are not employees, and for other purposes.

S. 496

At the request of Mr. CHAFEE, the names of the Senator from Louisiana [Mr. BREAUX], the Senator from Nebraska [Mr. KERREY], and the Senator from Colorado [Mr. ALLARD] were added as cosponsors of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 529

At the request of Mr. GRASSLEY, the name of the Senator from Washington [Mr. GORTON] was added as a cosponsor of S. 529, a bill to amend the Internal Revenue Code of 1986 to exclude certain farm rental income from net earnings from self-employment if the taxpayer enters into a lease agreement relating to such income.

S. 578

At the request of Mr. DASCHLE, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of S. 578, a bill to permit an individual to be treated by a health care practitioner with any method of medical treatment such individual requests, and for other purposes.

S. 599

At the request of Mrs. BOXER, the name of the Senator from New Jersey [Mr. TORRICELLI] was added as a cosponsor of S. 599, a bill to protect children and other vulnerable subpopulations from exposure to certain environmental pollutants, and for other purposes.

S. 621

At the request of Mr. D'AMATO, the name of the Senator from Utah [Mr. BENNETT] was added as a cosponsor of S. 621, a bill to repeal the Public Utility Holding Company Act of 1935, to enact the Public Utility Holding Company Act of 1997, and for other purposes.

S. 643

At the request of Mr. DURBIN, the name of the Senator from Oregon [Mr. WYDEN] was added as a cosponsor of S. 643, a bill to prohibit the Federal Government from providing insurance, reinsurance, or noninsured crop disaster assistance for tobacco.

S. 657

At the request of Mr. DASCHLE, the name of the Senator from North Dakota [Mr. DORGAN] was added as a cosponsor of S. 657, a bill to amend title 10, United States Code, to permit retired members of the Armed Forces who have a service-connected disability to receive military retired pay concurrently with veterans' disability compensation.

S. 673

At the request of Mr. BREAUX, the name of the Senator from Nebraska [Mr. KERREY] was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 and Employee Retirement Income Security Act of 1974 in order to promote and improve employee stock ownership plans.

S. 678

At the request of Mr. LEAHY, the name of the Senator from Virginia [Mr.

ROBB] was added as a cosponsor of S. 678, a bill to provide for the appointment of additional Federal circuit and district judges, and for other purposes.

S. 713

At the request of Mr. DODD, the name of the Senator from Arkansas [Mr. HUTCHINSON] was added as a cosponsor of S. 713, a bill to amend the Federal Food, Drug, and Cosmetic Act to allow for additional deferred effective dates for approval of applications under the new drugs provisions, and for other purposes.

S. 731

At the request of Mr. BUMPERS, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 731, a bill to extend the legislative authority for construction of the National Peace Garden Memorial, and for other purposes.

S. 755

At the request of Mr. CAMPBELL, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 755, a bill to amend title 10, United States Code, to restore the provisions of chapter 76 of that title—relating to missing persons—as in effect before the amendments made by the National Defense Authorization Act for fiscal year 1997 and to make other improvements to that chapter.

S. 771

At the request of Mr. MURKOWSKI, the name of the Senator from North Carolina [Mr. FAIRCLOTH] was added as a cosponsor of S. 771, a bill to regulate the transmission of unsolicited commercial electronic mail, and for other purposes.

S. 772

At the request of Mr. SPECTER, the names of the Senator from Pennsylvania [Mr. SANTORUM] and the Senator from Ohio [Mr. DEWINE] were added as cosponsors of S. 772, a bill to establish an Office of Religious Persecution Monitoring, to provide for the imposition of sanctions against countries engaged in a pattern of religious persecution, and for other purposes.

S. 781

At the request of Mr. HATCH, the names of the Senator from Texas [Mrs. HUTCHISON], the Senator from Mississippi [Mr. LOTT], the Senator from Kansas [Mr. ROBERTS], and the Senator from South Carolina [Mr. THURMOND] were added as cosponsors of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 800

At the request of Mr. ABRAHAM, the name of the Senator from Georgia [Mr. COVERDELL] was added as a cosponsor of S. 800, a bill to create a tax cut reserve fund to protect revenues generated by economic growth.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. GORTON, the names of the Senator from New York [Mr. D'AMATO] and the Senator from Illinois [Mr. DURBIN] were added as cosponsors of Senate Concurrent Resolution 29, a concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

SENATE RESOLUTION 92

At the request of Mr. LAUTENBERG, the names of the Senator from New Jersey [Mr. TORRICELLI], the Senator from Massachusetts [Mr. KENNEDY], the Senator from Maryland [Mr. SARBANES], the Senator from South Carolina [Mr. THURMOND], the Senator from Mississippi [Mr. COCHRAN], the Senator from Michigan [Mr. LEVIN], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Delaware [Mr. ROTH], the Senator from Massachusetts [Mr. KERRY], the Senator from New York [Mr. MOYNIHAN], the Senator from Louisiana [Mr. BREAUX], the Senator from Iowa [Mr. GRASSLEY], the Senator from Minnesota [Mr. WELLSTONE], the Senator from Connecticut [Mr. LIEBERMAN], the Senator from Illinois [Mr. DURBIN], the Senator from Nevada [Mr. REID], the Senator from Delaware [Mr. BIDEN], and the Senator from New York [Mr. D'AMATO] were added as cosponsors of Senate Resolution 92, a resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

AMENDMENTS SUBMITTED

THE FAMILY FRIENDLY WORKPLACE ACT

BAUCUS (AND OTHERS) AMENDMENT NO. 361

(Ordered to lie on the table.)

Mr. BAUCUS (for himself, Mr. KERREY, and Mr. LANDRIEU) submitted an amendment intended to be proposed by them to the bill (S. 4) to amend the Fair Labor Standards Act of 1938 to provide to private sector employees the same opportunities for time-and-a-half compensatory time off, biweekly work programs, and flexible credit hour programs as Federal employees currently enjoy to help balance the demands and needs of work and family, to clarify the provisions relating to exemptions of certain professionals from the minimum wage and overtime requirements of the Fair Labor Standards Act of 1938, and for other purposes; as follows:

Beginning on page 1, strike line 3 and all that follows through page 28, line 16 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Family-Friendly Workplace Act of 1997".

SEC. 2. APPLICATION TO CERTAIN EMPLOYEES IN THE PRIVATE SECTOR.

Section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207) is amended by adding at the end the following:

"(r)(1) An employee who is not a part-time, temporary, or seasonal employee (as defined in paragraph (13)(C)), who is not an employee of a public agency or of an employer in the garment industry, and who is not otherwise exempted from this subsection by regulations promulgated by the Secretary under paragraph (3)(D), may receive, in accordance with this subsection and in lieu of overtime compensation, compensatory time at a rate not less than 1½ hours for each hour of employment for which overtime compensation is required by this section.

"(2) An employer may provide compensatory time to an eligible employee under paragraph (1) only—

"(A) pursuant to—

"(i) applicable provisions of a collective bargaining agreement, memorandum of understanding, or any other written agreement between the employer and the representative of the employee; or

"(ii) in the case of an employee who is not represented by a collective bargaining agent or other representative designated by the employee, a plan adopted by the employer and provided in writing to the employees of the employer which provides employees with a voluntary option to receive compensatory time in lieu of overtime compensation for overtime work where there is an express, voluntary written request by an individual employee for compensatory time in lieu of overtime compensation, provided to the employer prior to the performance of any overtime assignment;

"(B) if the employee has not earned compensatory time in excess of the applicable limit prescribed by paragraph (3)(A) or in regulations issued by the Secretary under paragraph (3)(D);

"(C) if the employee is not required as a condition of employment to accept or request compensatory time; and

"(D) if the agreement or plan complies with the requirements of this subsection and the regulations promulgated by the Secretary thereunder, including the availability of compensatory time to similarly situated employees on an equal basis.

"(3)(A) An employee may earn not more than a total of 80 hours of compensatory time in any year or alternative 12-month period designated pursuant to subparagraph (C). The employer shall regularly report to the employee on the number of compensatory hours earned by the employee and the total amount of the employee's earned and unused compensatory time, in accordance with regulations issued by the Secretary of Labor.

"(B) Upon the request of an employee who has earned compensatory time, the employer shall, within 15 days after the request, provide monetary compensation for any such compensatory time at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher.

"(C) Not later than January 31 of each calendar year, an employer shall provide monetary compensation to each employee of the employer for any compensatory time earned during the preceding calendar year for which the employee has not already received monetary compensation (either through compensatory time or cash payment) at a rate not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. An agreement or plan under paragraph (2) may designate a 12-month period other than the calendar year, in which case such monetary

compensation shall be provided not later than 31 days after the end of such 12-month period. An employee may voluntarily, at the employee's own initiative, request in writing that such end-of-year payment of monetary compensation for earned compensatory time be delayed for a period not to exceed 3 months. This subparagraph shall have no effect on the limit on earned compensatory time set forth in subparagraph (A) or in regulations issued by the Secretary pursuant to subparagraph (D).

"(D) The Secretary may promulgate regulations regarding classes of employees, including but not limited to all employees in particular occupations or industries, to—

"(i) exempt such employees from the provisions of this subsection;

"(ii) limit the number of compensatory hours that such employees may earn to less than the number provided in subparagraph (A); or

"(iii) require employers to provide such employees with monetary compensation for earned compensatory time at more frequent intervals than specified in subparagraph (C);

where the Secretary has determined that such regulations are necessary or appropriate to protect vulnerable employees, where a pattern of violations of this Act may exist, or to ensure that employees receive the compensation due them.

"(4) An employee who has earned compensatory time authorized to be provided under paragraph (1) shall, upon the voluntary or involuntary termination of employment or upon expiration of this subsection, be paid for unused compensatory time at a rate of compensation not less than the regular rate earned by the employee at the time the employee performed the overtime work or the employee's regular rate at the time such monetary compensation is paid, whichever is higher. A terminated employee's receipt of, or eligibility to receive, monetary compensation for earned compensatory time shall not be used—

"(A) by the employer to oppose an application of the employee for unemployment compensation; or

"(B) by a State to deny unemployment compensation or diminish the entitlement of the employee to unemployment compensation benefits.

"(5) An employee shall be permitted to use any compensatory time earned pursuant to paragraph (1)—

"(A) for any reason that would qualify for leave under section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), or any comparable State law, irrespective of whether the employer is covered or the employee is eligible under such Act or law; or

"(B) for any other purpose—

"(i) upon notice to the employer at least 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will cause substantial and grievous injury to the operations of the employer; or

"(ii) upon notice to the employer within the 2 weeks prior to the date on which the compensatory time is to be used, unless use of the compensatory time at that time will unduly disrupt the operations of the employer.

An employee's use of earned compensatory time may not be substituted by the employer for any other paid or unpaid leave or time off to which the employee otherwise is or would be entitled or has or would earn, nor satisfy any legal obligation of the employer to the employee pursuant to any law or contract.

"(6) An employee shall not be required by the employer to use any compensatory time earned pursuant to paragraph (1).

"(7)(A) When an employee receives monetary compensation for earned compensatory time, the monetary compensation shall be treated as compensation for hours worked for purposes of calculation of entitlement to employment benefits.

"(B) When an employee uses earned compensatory time, the employee shall be paid for the compensatory time at the employee's regular rate at the time the employee performed the overtime work or at the regular rate earned by the employee when the compensatory time is used, whichever is higher, and the hours for which the employee is so compensated shall be treated as hours worked during the applicable workweek or other work period for purposes of overtime compensation and calculation of entitlement to employment benefits.

"(8) Except in a case of a collective bargaining agreement, an employer may modify or terminate a compensatory time plan described in paragraph (2)(A)(ii) upon not less than 60 days' notice to the employees of the employer.

"(9) An employer may not pay monetary compensation in lieu of earned compensatory time except as expressly prescribed in this subsection.

"(10) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(A) to discharge, or in any other manner penalize, discriminate against, or interfere with, any employee because such employee may refuse or has refused to request or accept compensatory time in lieu of overtime compensation, or because such employee may request to use or has used compensatory time in lieu of receiving overtime compensation;

"(B)(i) to request, directly or indirectly, that an employee accept compensatory time in lieu of overtime compensation;

"(ii) to require an employee to request such compensatory time as a condition of employment or as a condition of employment rights or benefits; or

"(iii) to qualify the availability of work for which overtime compensation is required upon an employee's request for or acceptance of compensatory time in lieu of overtime compensation; or

"(C) to deny an employee the right to use, or force an employee to use, earned compensatory time in violation of this subsection.

"(11) An employer who violates any provision of this subsection shall be liable, in an action brought pursuant to subsection (b) or (c) of section 16, in the amount of overtime compensation that would have been paid for the overtime hours worked or overtime hours that would have been worked, plus an additional equal amount as liquidated damages, such other legal or equitable relief as may be appropriate to effectuate the purpose of this section, costs, and, in the case of an action filed under section 16(b), reasonable attorney's fees. Where an employee has used compensatory time or received monetary compensation for earned compensatory time for such overtime hours worked, the amount of such time used or monetary compensation paid to the employee shall be offset against the liability of the employer under this paragraph, but not against liquidated damages due.

"(12)(A) The entire liquidated value of an employee's accumulated compensatory time, calculated as provided for in this subsection, shall, for purposes of proceedings in bankruptcy under title 11, United States Code, be treated as unpaid wages earned by the individual—

"(i) if the date the employer was or becomes legally or contractually obligated to provide monetary compensation to the employee for the compensatory time was more than 90 days before the cessation of business, as if such date was within 90 days before the cessation of business by the employer;

"(ii) if the date the employer was or becomes legally or contractually obligated to provide such monetary compensation was within 90 days before the cessation of business by the employer, as of such date; or

"(iii) if the employer was not legally or contractually obligated to provide such monetary compensation prior to ceasing to do business, as of the date of ceasing to do business.

"(B) The amount of such monetary compensation shall not be limited by any ceiling on the dollar amount of wage claims provided under Federal law for such proceedings.

"(13) In this subsection—

"(A) the term 'overtime compensation' means the compensation required by subsection (a);

"(B) the term 'compensatory time' means hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of overtime compensation;

"(C) the term 'part-time, temporary, or seasonal employee' means—

"(i) an employee whose regular workweek for the employer is less than 35 hours per week;

"(ii) an employee who is employed by the employer for a season or other term of less than 12 months or is otherwise treated by the employer as not a permanent employee of the employer; or

"(iii) an employee in the construction industry, in agricultural employment (as defined in section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))), or in any other industry which the Secretary by regulation has determined is a seasonal industry; and

"(D) the term 'overtime assignment' means an assignment of hours for which overtime compensation is required under this section.

"(14) The Secretary may issue regulations as necessary and appropriate to implement this subsection including, but not limited to, regulations implementing recordkeeping requirements and prescribing the content of plans and employee notification.".

SEC. 3. CIVIL MONEY PENALTIES.

Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 216(e)) is amended by striking the second sentence and inserting the following: "Any person who violates section 6, 7, or 11(c) shall be subject to a civil penalty not to exceed $1,000 for each such violation.".

SEC. 4. CONSTRUCTION.

Section 18 of the Fair Labor Standards Act of 1938 (29 U.S.C. 218) is amended by adding at the end the following:

"(c)(1) No provision of this Act or of any order thereunder shall be construed to—

"(A) supersede any provision of any State or local law that provides greater protection to employees who are provided compensatory time in lieu of overtime compensation;

"(B) diminish the obligation of an employer to comply with any collective bargaining agreement or any employment benefit program or plan that provides greater

protection to employees provided compensatory time in lieu of overtime compensation; or

"(C) discourage employers from adopting or retaining compensatory time plans that provide more protection to employees.

"(2) Nothing in this subsection shall be construed to allow employers to provide compensatory time plans to classes of employees who are exempted from section 7(r), to allow employers to provide more compensatory time than allowed under subsection (o) or (r) of section 7, or to supersede any limitations placed by subsection (o) or (r) of section 7, including exemptions and limitations in regulations issued by the Secretary thereunder.".

SEC. 5. COMMISSION ON WORKPLACE FLEXIBILITY.

(a) ESTABLISHMENT.—There is established a Commission on Workplace Flexibility (referred to in this section as the "Commission").

(b) MEMBERSHIP; COMPENSATION; POWERS; TRAVEL EXPENSES.—The Commission shall be composed, and the members of the Commission shall be appointed, in accordance with paragraphs (1) and (2) of subsection (a), and subsection (b) of section 303 of the Family and Medical Leave Act of 1993 (29 U.S.C. 2633(a)(1) and (2) and (b)). The compensation and powers of the Commission shall be as prescribed by sections 304 and 305, respectively, of such Act (29 U.S.C. 2634 and 2635). The members of the Commission shall be allowed reasonable travel expenses in accordance with section 305(b) of such Act (29 U.S.C. 2635(b)).

(c) DUTIES.—

(1) STUDY.—The Commission shall conduct a comprehensive study of the impact of the provision of compensatory time on public and private sector employees, including the impact of this Act—

(A) on average earnings of employees, hours of work of employees, work schedules of employees, and flexibility of scheduling work to accommodate family needs; and

(B) on the ability of vulnerable employees or other employees to obtain the compensation to which the employees are entitled.

(2) REPORT.—

(A) IN GENERAL.—A report concerning the findings of the study described in paragraph (1) shall be prepared and submitted to the appropriate committees of Congress and to the Secretary not later than 1 year prior to the expiration of this title.

(B) RECOMMENDATIONS.—The report described in subparagraph (A) shall include recommendations on whether—

(i) the compensatory time provisions of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et. seq.) should be modified or extended, including—

(I) a recommendation on whether particular classes of employees or industries should be exempted or otherwise given special treatment under the provisions;

(II) a recommendation on whether additional protections should be provided, including additional protections to employees of public agencies; and

(III) a recommendation on whether the provisions should be applied to any category of exempt employees.

(C) SPECIAL RULE.—The Commission shall have no obligation to conduct a study and prepare and submit a report pursuant to this section if funds are not authorized and appropriated for that purpose.

SEC. 6. EFFECTIVE DATE; CESSATION OF EFFECTIVENESS.

(a) EFFECTIVE DATE.—The provisions of this title, and the amendments made by this title, shall become effective 6 months after the date of enactment of this Act.

(b) CESSATION OF EFFECTIVENESS.—The provisions of this title, and the amendments made by this title, shall cease to be effective 4 years after the date of enactment of this Act.

KENNEDY AMENDMENT NO. 362–367

(Ordered to lie on the table.)

Mr. KENNEDY submitted six amendments intended to be proposed by him to the bill, S. 4, supra; as follows:

AMENDMENT NO. 362

Beginning on page 10, strike line 17 and all that follows through page 26, line 18, and insert the following:

(b) TECHNICAL AMENDMENT.—Section 7(r) of the Fair Labor Standards Act of 1938 (as added by subsection (a)) is amended in paragraph (6)(A) by striking clause (ii) and inserting the following:

"(ii) In clause (i), the term 'intimidate, threaten, or coerce' includes promising to confer or conferring any benefit (such as appointment, promotion, or compensation) or effecting or threatening to effect any reprisal (such as deprivation of appointment, promotion, or compensation."

AMENDMENT NO. 363

On page 28, after line 16, add the following:

(d) PROTECTION FOR CLAIMS RELATING TO COMPENSATORY TIME OFF.—Section 507(a)(3) of title 11, United States Code, is amended—

(1) by striking "$4,000" and inserting "$9,000";

(2) by striking "for—" and inserting the following: "provided that all accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207)) shall be deemed to have been earned within 90 days before the date of the filing of the petition or the date of the cessation of the debtor's business, whichever occurs first, for—"; and

(3) in subparagraph (A), by inserting before the semicolon the following: "or the value of unused, accrued compensatory time (as defined in section 7 of the Fair Labor Standards Act of 1938 (29 U.S.C. 207))".

AMENDMENT NO. 364.

On page 7, strike line 13 and insert the following:

"(B) It shall be an unlawful act of discrimination, within the meaning of section 15(a)(3), for an employer—

"(i) to discharge or in any other manner penalize, discriminate against, or interfere with, any employee because—

"(I) the employee may refuse or has refused to request or accept compensatory time off in lieu of monetary overtime compensation;

"(II) the employee may request to use or has used compensatory time off in lieu of monetary overtime compensation; or

"(III) the employee has requested the use of compensatory time off at a specific time of the employee's choice;

"(ii) to request, directly or indirectly, that an employee accept compensatory time off in lieu of monetary overtime compensation;

"(iii) to require an employee to request compensatory time off in lieu of monetary overtime compensation as a condition of employment or as a condition of employment rights or benefits;

"(iv) to qualify the availability of work for which monetary overtime compensation is required upon the request of an employee for, or acceptance of, compensatory time off in lieu of monetary overtime compensation; or

"(v) to deny an employee the right to use, or coerce an employee to use, earned compensatory time off in violation of this subsection.

"(C) An agreement or understanding that is entered".

AMENDMENT NO. 365.

Beginning on page 3, strike lines 15 through 23 and insert the following:

"(B) In this subsection:

"(i) The term 'employee' does not include—

"(I) an employee of a public agency;

"(II) an employee who is a part-time employee;

"(III) an employee who is a temporary employee; and

"(IV) an employee who is a seasonal employee.

"(ii) The term 'employer' does not include—

"(I) a public agency; and

"(II) an employee in the garment industry.

"(iii) The term 'employer in the garment industry' means an employer who is involved in the manufacture of apparel.

"(iv) The term 'part-time employee' means an employee whose regular workweek for the employer involved is less than 35 hours per week.

"(v) The term 'seasonal employee' means an employee in—

"(I) the construction industry;

"(II) agricultural employment (as defined by section 3(3) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1802(3))); or

"(III) any other industry that the Secretary by regulation determines is a seasonal industry.

"(vi) The term 'temporary employee' means an employee who is employed by an employer for a season or other term of less than 12 months, or is otherwise treated by the employer as not a permanent employee of the employer."

AMENDMENT NO. 366

On page 10, strike lines 4 through 7 and insert the following:

"(10) In a case in which an employee uses accrued compensatory time off under this subsection, the accrued compensatory time off used shall be considered as hours worked during the applicable workweek or other work period for the purposes of overtime compensation and calculation of entitlement to employment benefits.

"(11)(A) The term 'compensatory time off' means the hours during which an employee is not working and for which the employee is compensated in accordance with this subsection in lieu of monetary overtime compensation.

"(B) The term 'monetary overtime compensation' means the compensation required by subsection (a).".

AMENDMENT NO. 367

Beginning on page 9, strike line 19 and all that follows through page 10, line 3 and insert the following:

"(9)(A) An employee shall be permitted by an employer to use any compensatory time off provided under paragraph (2)—

"(i) for any reason that qualifies for leave under—

"(I) section 102(a) of the Family and Medical Leave Act of 1993 (29 U.S.C. 2612(a)), irrespective of whether the employer is covered,

or the employee is eligible, under such Act; or

"(II) an applicable State law that provides greater family or medical leave rights than does the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.);

"(ii) for any reason after providing notice to the employer not later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will cause substantial and grievous injury to the operations of the employer; or

"(iii) for any reason after providing notice to the employer later than 2 weeks prior to the date on which the compensatory time off is to be used, except that an employee may not be permitted to use compensatory time off under this clause if the use of the compensatory time off will unduly disrupt the operations of the employer."

NOTICES OF HEARINGS

SUBCOMMITTEE ON CHILDREN AND FAMILIES

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Children and Families will be held on Thursday, June 5, 1997, at 9:30 a.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Pre-to-3: Policy Implications of Child Brain Development." For further information, please call the committee, 202/224–5375.

SUBCOMMITTEE ON AGING

Mr. JEFFORDS. Mr. President, I would like to announce for information of the Senate and the public that a hearing of the Senate Committee on Labor and Human Resources, Subcommittee on Aging will be held on Thursday, June 5, 1997, at 2:30 p.m., in SD–430 of the Senate Dirksen Building. The subject of the hearing is "Challenges of Alzheimer's Disease: The Biomedical Research That Will Carry Us into the 21st Century." For further information, please call the committee, 202/224–5375.

COMMITTEE ON SMALL BUSINESS

Mr. BOND. Mr. President, I wish to announce that the Committee on Small Business will hold a hearing entitled "Oversight of SBA's Microloan Program." The hearing will be held on June 12, 1997, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

For further information, please contact Paul Cooksey at 224–5175.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON FINANCE

Mr. HELMS. Mr. President, the Finance Committee requests unanimous consent to hold a hearing on the Need for Renewal of the Fast Track Trade Negotiating Authority on Tuesday, June 3, 1997, beginning at 10 a.m. in SD–215, Dirksen Senate Office Building.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Tuesday, June 3, 1997, at 10 a.m. to hold a hearing.

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

COMMITTEE ON GOVERNMENTAL AFFAIRS

Mr. HELMS. Mr. President, I ask unanimous consent on behalf of the Governmental Affairs Committee to meet on Tuesday, June 3, 1997, at 1:30 p.m. for a hearing on the Department of Commerce's Technology Grant Programs.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 9:30 a.m. on Second Generation Internet.

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

SUBCOMMITTEE ON COMMUNICATIONS

Mr. HELMS. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on June 3, 1997, at 2:30 p.m. on Universal Service.

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

ADDITIONAL STATEMENTS

ON ALL SHORES

• Mr. MOYNIHAN. Mr. President, on my recent trip to Israel, I read an illustrative article in the Financial Times of London. It seems financial experts in England have come to a conclusion many financial institutions in the United States have failed, thus far, to reach. Namely, that it is too late to solve the year 2000 computer problem completely, and that it is hopeless to rely on a "silver bullet" to solve the problem. Instead, officials in the United Kingdom have concluded that the world economy faces a very time-consuming, labor-intensive project—the scope of which is unparalleled in modern history.

Upon my return to the United States, I found that Newsweek had just published an important article that will increase awareness, I hope, to the point of action. Thus, I remind my colleagues of my bill (S. 22) to set up a commission responsible for ensuring that all executive agencies are compliant by 2000. I hope my colleagues recognize—as the British have begun to do—what we now face and what we must do to ensure the proper functioning not only of our Government, but of the economy.

I ask that the Newsweek cover story, "The Day the World Shuts Down" and the Financial Times of London's story, "Millenium Bomb Ticks Away" be printed in the RECORD.

The material follows:

THE DAY THE WORLD SHUTS DOWN

Drink deep from your champagne glasses as the ball drops in Times Square to usher in the year 2000. Whether you imbibe or not, the hangover may begin immediately. The power may go out. Or the credit card you pull out to pay for dinner may no longer be valid. If you try an ATM to get cash, that may not work, either. Or the elevator that took you up to the party ballroom may be stuck on the ground floor. Or the parking garage you drove into earlier in the evening may charge you more than your yearly salary. Or your car might not start. Or the traffic lights might be on the blink. Or, when you get home, the phones may not work. The mail may show up, but your magazine subscriptions will have stopped, your government check may not arrive, your insurance policies may have expired.

Or you may be out of a job. When you show up for work after the holiday, the factory or office building might be locked up, with a handwritten sign taped to the wall: OUT OF BUSINESS DUE TO COMPUTER ERROR.

Could it really happen? Could the most anticipated New Year's Eve party in our lifetimes really usher in a digital nightmare when our wired-up-the-wazoo civilization grinds to a halt? Incredibly, according to computer experts, corporate information officers, congressional leaders and basically anyone who's given the matter a fair hearing, the answer is yes, yes, 2,000 times yes! Yes—unless we successfully complete the most ambitious and costly technology project in history, one where the payoff comes not in amassing riches or extending Web access, but securing raw survival.

What's the problem? It's called, variously, the Year 2000 Problem, Y2K or the Millennium Bug. It represents the ultimate indignity: the world laid low by two lousy digits. The trouble is rooted in a seemingly trivial space-saving programming trick—dropping the first two numbers of the date, abbreviating, say, the year 1951 to "51." This digital relic from the days when every byte of computer storage was precious was supposed to have been long gone by now, but the practice became standard. While any idiot familiar with the situation could figure out that the world's computers were on a collision course with the millennium, no one wanted to be the one to bring it up to management. And, really, which executive would welcome a message from nerddom that a few million bucks would be required to fix some obscure problem that wouldn't show up for several years?

So only now, as the centurial countdown begins, are we learning that the digit-dropping trick has changed from clever to catastrophic. Because virtually all the mainframe computers that keep the world humming are riddled with software that refuses to recognize that when 1999 runs out, the year 2000 follows. When that date arrives, the computers are going to get very confused. (PCs aren't as affected; sidebar.) So that seemingly innocuous trick now affects everything from ATMs to weapons systems. Virtually every government, state and municipality, as well as every large, midsize

and small business in the world, is going to have to deal with this—in fact, if they haven't started already it's just about too late. Fixing the problem requires painstaking work. The bill for all this? Gartner Group estimates it could go as high as $600 billion. That amount could easily fund a year's worth of all U.S. educational costs, preschool through grad school. It's Bill Gates times 30!

That tab doesn't include the litigation that will inevitably follow the system failures. "You can make some very reasonable extrapolations about litigation that take you over $1 trillion, and those are very conservative estimates," says Dean Morehous, a San Francisco lawyer. (Conservative or not, this is more than three times the yearly cost of all civil litigation in the United States.)

Come on, you say. *Two measly digits? Can't we just unleash some sort of robo-program on all that computer code and clean it up?* Well, no. Forget about a silver bullet. It seems that in most mainframe programs, the date appears more often than "M*A*S*H" reruns on television—about once every 50 lines of code. Typically, it's hard to find those particular lines, because the original programs, often written in the ancient COBOL computer language, are quirky and undocumented. After all that analysis, you have to figure out how to rewrite the lines to correctly process the date. Only then comes the most time-consuming step: testing the rewritten program.

It's a torturous process, but an absolutely necessary one. Because if we don't swat the millennium Bug, we'll have troubles everywhere.

Electricity. When the Hawaiian Electric utility in Honolulu ran tests on its system to see if it would be affected by the Y2K Bug, "basically, it just stopped working," says systems analyst Wendell Ito. If the problem had gone unaddressed, not only would some customers have potentially lost power, but others could have got their juice at a higher frequency, in which case, "the clocks would go faster, and some things could blow up," explains Ito. (Hawaiian Electric revamped the software and now claims to be ready for the year 2000.) Another concern is nuclear power; the Nuclear Regulatory Commission says that the Bug might affect "security control, radiation monitoring . . . and accumulated burn-up programs [which involve calculations to estimate the hazard posed by radioactive fuel]."

Communications. "If no one dealt with the year 2000 Bug, the [phone] network would not operate properly," says Eric Sumner Jr., a Lucent chief technology officer. He's not talking about dial tones, but things like billing (watch out for 100-year charges). Certain commercial operations that run phone systems by computer could also go silent if the software isn't fixed.

Medicine. Besides the expected mess in billing systems, insurance claims and patient records, hospitals and doctors have to worry about embedded chips—microprocessors inside all sorts of devices that sometimes have date-sensitive controls. The year 2000 won't make pacemakers stop dead, but it could affect the data readouts it reports to physicians.

Weapons. Newsweek has obtained an internal Pentagon study listing the Y2K impact on weapons and battlefield technologies. In their current state, "a year 2000 problem exists" in several key military technologies and they will require upgrading or adjustments. One intelligence system reverts to the year 1900, another reboots to 1969. The report confidently states that as far as nuclear devices like Trident missiles are concerned, "there are no major obstacles which will prevent them from being totally Year 2000 compliant by Jan. 1999."

Money. Banks and other financial institutions generally will go bonkers if they don't fix the year 2000 problem. The Senate Banking Committee is even worried that vertiginous computers might automatically erase the last 99 years worth of bank records. Some Y2K consultants are advising consumers to make sure they don't enter the 1999 holiday without obtaining hard-copy evidence of their assets. According to Jack Webb of HONOR Technologies, Inc., ATMs won't work without fixes.

Food. In Britain computers at the Marks & Spencer company have already mistakenly ordered the destruction of tons of corned beef, believing they were more than 100 years old.

Air-Traffic Control. "We're still in the assessment stage, determining how big the problem is," says Dennis DeGaetano of the Federal Aviation Administration. One possible danger is computer lockup: while planes well keep moving at 12:01 a.m. on Jan. 1, 2000, the screens monitoring them, if not upgraded, might lock. Or the computers might know where the planes were, but mix them up with flights recorded at the same time on a previous day. ("You can bet we're going to fix it," says DeGaetano.)

Factories. Ford Motor Co. reports that if the Bug isn't fixed, its buildings could literally shut down—the factories have security systems linked to the year. "Obviously, if you don't fix it, your business will stop in the year 2000," says Ford's David Principato. Even if a manufacturing company aggressively solves its own problem, though, it might be flummoxed by a supplier who delivers widgets in the wrong century.

Just About Everything Else. Larry Martin, CEO of Data Dimensions, warns that if not adjusted, "on Jan. 1, 2000, a lot of elevators could be dropping to the bottom of buildings," heading to the basement for inspections they believe are overdue. Similarly, automobiles have as many as 100 chips; if they are calendar-challenged, experts say, forget about driving. Computerized sprinkler systems could initiate icy midwinter drenchings.

Like leaves rustling before a tornado, there have already been harbingers of a bureaucratic meltdown. At a state prison, a computer glitch misread the release date of prisoners and freed them prematurely. In Kansas, a 104-year-old woman was given a notice to enter kindergarten. Visa has had to recall some credit cards with expiration dates three years hence—the machines reading them thought they had expired in the McKinley administration.

The $600 billion question is whether we'll fix the Bug in time. The good news is that the computer industry is finally responding to the challenge. For months now, squardrons of digital Jeremiahs have been addressing tech conferences with tales of impending apocalypse. The most sought-after is Peter de Jager, a bearded Canadian who scares the pants off audiences on a near-daily basis. "If we shout from the rooftops, they accuse us of hype," he complains. "But if we whisper in an alley, no one will listen." Last week in Boston de Jager demonstrated the rooftop approach: "If you're not changing code by November of this year," he warned, "you will not get this thing done on time—it's that simple. We still don't get it."

But we're starting to. Most major corporations now have year 2000 task forces, with full-time workers funded by multimillion-dollar budgets, to fix a problem that their bosses finally understand. They're aided by an army of consultants and specialized companies. Some, like Data Dimensions, offer full Y2K service, providing tools, programmers and guidance. Others, like Peitus, sell special software to help find offending code and, sometimes, even convert it. (The final, most arduous stage, testing, still defies automation.) These firms are the new darlings of Wall Street. But buyer beware—consultants are coming out of the woodwork to exploit the desperation of late-coming companies. Someone might promise a phalanx of brilliant programmers to fix the Bug, but "for all you know, it could be 10 people in a garage doing it by hand," says Ted Swoyer, a Peritus exec. Still, the creation of a Y2K-fixing infrastructure is encouraging.

It's not uncommon to find gung-ho efforts like the one at Merrill Lynch: an 80-person Y2K division working in shifts, 24 hours a day, seven days a week. It'll cost the company $200 million, a sum that could hire Michael Eisner and fire Mike Ovitz. "Our return on investment is zero," says senior VP Howard Sorgen. "This will just enable us to stay in business."

So maybe we're not in for a full-scale disaster. Let us assume—oh God let it be true—that those in charge of life-sustaining applications and services will keep their promises to fix what needs fixing. The costs and liabilities of not doing so are too huge not to. (On the other hand, when did you last see a huge software project that met its deadline and worked perfectly? Just asking.) Still, there will almost certainly be severe dislocations because of the mind-boggling enormity of the problem.

Even the most diligent companies don't have total confidence they can fix everything. Consider BankBoston, the 15th largest commercial bank in the United States. Early in 1995, the company realized that "it was a problem that could bring an institution to its knees," says David Iacino, who heads the bank's Team 2000. To stop a meltdown, BankBoston has to probe 60 million lines of code. the harder BankBoston works at solving the problem—it now has 40 people working full time on it—the more complicated it seems. "Every day, when we see something new we haven't thought about, we get additional angst," said Iacino.

Of the 200 BankBoston applications that need revamping, only a handful have been completed so far. BankBoston is now separating the essential work from the noncritical, and if the Bug causes less dire problems, like the heavy vault doors swinging open on New Year's Eve, it'll just cope: "Vaults are physical things," says Iacino. "If push comes to shove, we can put a guard in front."

Now, if BankBoston, which started early and has been driving hard, is already thinking triage, what is going to happen to institutions that are still negotiating in the face of a nonnegotiable deadline? The Gartner Group is estimating that half of all businesses are going to fall short. "There's still a large number of folks out there who haven't started," says Matt Hotle, Gartner's research director.

As businesses finally come to terms with the inevitable, it's going to be panic time. In about a year, expect most of the commercial world to be totally obsessed with the Bug. "Pretty soon we have to just flat stop doing other work," says Leo Verheul of California's Department of Motor Vehicles.

But no amount of money or resources will postpone the year 2000. It will arrive on time,

even if all too many computers fail to recognize its presence.

"It's staggering to start doing mind games on what percentage of companies will go out of business," says Gartner's Hotle. "What is the impact to the economy of 1 percent going out of business?" Or maybe more: Y2K expert Capers Jones predicts that more than *5 percent* of all businesses will go bust. This would throw hundreds of thousands of people into the unemployment lines—applying for checks that may or may not come, depending on whether the government has successfully solved *its* Y2K problem.

What is the U.S. government doing? Not enough. "It's ironic that this administration that prides itself on being so high tech is not really facing up to the potential disaster that is down the road a little bit," says Sen. Fred Thompson. If Y2K indeed becomes a calamity, it may well be the vice president who suffers—imagine Al Gore's spending the entire election campaign explaining why he didn't foresee the crisis. (Gore declined to speak to NEWSWEEK on Y2K problem).

Here's the recipe for a federal breakdown: not enough time and not enough money. While the Office of Management and Budget claims the problem can be fixed for $2.3 billion, most experts think it will take $30 billion. Rep. Stephen Horn held hearings last year to see if the federal agencies were taking steps "to prevent a possible computer disaster," and was flabbergasted at the lack of preparedness. His committee assigned each department a letter grade. A few, notably Social Security, were given A's. (The SSA has been working on the problem for eight years and now has it 65 percent licked; at that rate it will almost make the deadline.) Those with no plan in place—NASA, the Veterans Administration—got D's. Special dishonor was given to places where inaction could be critical, yet complacency still ruled, like the departments of Labor, Energy and Transportation.

State governments are also up against the 2000 wall. California, for instance, finished its inventory last December and found that more than half of its 2,600 computer systems required fixes. Of those, 450 systems are considered "mission critical," says the state's chief information officer John Thomas Flynn. These include computers that control toll bridges, traffic lights, lottery payments, prisoner releases, welfare checks, tax collection and the handling of toxic chemicals.

As bad as it seems in the United States, the rest of the world is lagging far behind in fixing the problem. Britain has recently awakened to the crisis—a survey late last year showed that 90 percent of board directors knew of it—but the head of Britain's Taskforce 2000, Robin Guenier, worries that only a fraction really understand what's required. "I'm not saying we're doomed, but if we are not doing better in six months, I really will be worried," he says. He expects the cost to top $50 billion. On the Continent, things are much worse; most of the information-processing energy is devoted to the Euro-currency, and observers fear that when countries like Germany and France finally tackle 2000, it might be too late.

Russia seems complacent. Recently Mikhail Gorbachev met with Representative Horn in Washington, expressing concern about how far behind Russia is in dealing with the Bug; Gorbachev raised its possible impact on the country's nuclear safeguards.

The list can go on, and on and on. "It's like an iceberg," says Leon Kappelman, an academic and Y2K consultant. "I would certainly be uncomfortable if Wall Street were to close for a few days, but I can live with that. But what if the water system starts sending water out before it's safe? Or a chemical plant goes nuts? Anybody who tells you 'Oh, it's OK' without knowing that it's been tested is in denial."

It's tough out there on the front lines of Y2K. And in less than a thousand days, it might be tough everywhere. "There are two kinds of people," says Nigel Martin-Jones of Data Dimensions. "Those who aren't working on it and aren't worried, and those who are working on it and are terrified."

Tick, tick, tick, tick, tick.

MILLENNIUM BOMB TICKS AWAY

(By Alan Cane)

Staff at a Scottish bank, curious to know what effect the millennium date change would have on their systems, turned the clock on their mainframe computer forward to a minute before the turn of the century—and watched.

At first, the system continued to process financial records as before. Then, as time ticked on, the bankers realised that the figures made no sense. It took some time for older staff to realise what was happening. The machine had assumed it was working in 1900 and was calculating in pounds, shillings and pence, the denominations replaced by the present decimal system in 1971.

(Do not try that this at home. Your personal computer might crash or destroy information held in programs which rely on dates.)

The "millennium bomb" is the consequence of the computer specialist's habit of storing the year in a date as two, rather than four, digits—97 rather than 1997. It was a way of saving space when computer memory was expensive. Few programmers expected systems written many years before the millennium to be in use after it.

The result? "Never in human history have we shot ourselves in the feet so badly," says Mr. Brad Collier, a director of Millennium UK, a consultancy which specialises in the problem.

Nobody who has investigated the problem has any doubt that it is serious and complex and will touch the lives of virtually everyone. In the UK, the normally unemotional National Audit Office, the public spending watchdog, has warned that unless government systems are modified in time, salaries might not be paid, invoices might not be issued, collection of taxes could be put at risk, defence systems could malfunction and inaccurate hospital records could be created.

While the government is taking urgent steps to ensure that its systems will work after 2000, the NAO detected some indications that its programme was slipping behind schedule. Computers and software fresh out of the box today are as likely to fail a 2000 compliance test as older systems, so ingrained is the habit—which persists—of writing the year as two digits.

Then there is the problem of "embedded processors". These are silicon chips which control everything from traffic lights and medical equipment to power stations and electronically guided weapons. They may or may not be affected by the date change—the lack of information is a serious hindrance.

If hospital radiation equipment were affected, for example, it might deliver inaccurate doses or close down completely. Sir Robert Horton, the chairman of Railtrack, the company responsible for the UK's railway infrastructure, told a seminar this year that embedded systems could affect lifts, access controls, switchboards and facsimile machines.

Mr. Robin Guenier, head of TaskForce 2000, the unit set up by the government to raise awareness of the problem, says it is already too late to solve the problem in its entirety. But he counsels against despair or panic.

Yet it is important to realise that while fixing the millennium bomb is not technically difficult, it is tedious, time-consuming and detailed.

As a first step, it is sensible to protect your job by asking your employers what steps they have taken to deal with the problem. The next step is to protect your savings and investments by asking these same question of your financial services companies—banks, pension funds, brokers and so on. Only if they show no signs of understanding what you mean should you take extreme steps, such as withdrawing your funds.•

TRIBUTE TO THE PHILADELPHIA MARTIN LUTHER KING, JR. ASSOCIATION FOR NONVIOLENCE

• Mr. SANTORUM. Mr. President, our nation's children are turning to crime and violence at alarming rates. Perhaps more than ever before, young people need direction from good men and women in their communities who are willing to get involved. They need role models to help them understand that an honest life is not an easy life, but it is a better life. Fortunately, there are people and groups who are reaching out to at-risk youth. Today, I rise to commend the efforts of one such organization. The Philadelphia Martin Luther King, Jr. Association for Nonviolence is making a difference, one child at a time.

On April 4, the anniversary of Dr. King's assassination, the Association for Nonviolence sponsored a "Youth and the Culture of Violence" town meeting. This event brought a cross-section of the community together to discuss violence prevention programs, current statistics on youth violence, and new ideas for training young people to solve their problems peacefully. Teenagers from the Philadelphia area joined community leaders, educators, juvenile justice officers, psychologists, and other concerned citizens in this important outreach effort.

Almost 30 years ago, Dr. King gave his life for his dream of a non-violent world. Through peaceful protest, he changed the heart of a nation. Dr. King's dream of a just, peaceful society lives on through the work of those who continue to teach his principle of nonviolence. It is fitting that the organization which bears his name is reaching out and offering hope to a new generation.

Mr. President, I commend the Philadelphia Martin Luther King, Jr. Association for Nonviolence for addressing the issue of youth violence. I ask my colleagues to join me in recognizing the important work this organization has done and in extending the Senate's best wishes for continued success to the men and women who have dedicated their lives to preventing youth violence.•

TRIBUTE TO HENRY P. JOHNSON

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Henry P. Johnson of Meriden, NH, retired plant manager of Dorr Woolen Co., for his exceptional service as a volunteer executive in Krasnador, Russia.

Henry worked on a volunteer mission with the International Executive Service Corps, a nonprofit organization that sends retired Americans to assist businesses and private enterprises in the developing world and the new emerging democracies of Central and Eastern Europe and the former Soviet Union.

Henry helped provide technical and managerial leadership to improve the lives of the citizens of Krasnador, Russia. He assisted Kubantex, a textile company, to set up a business and marketing plans. Henry was an "international volunteer" for our Nation and has represented our strong democratic beliefs and practices of a free-market economy.

His spectacular display of voluntarism provided active assistance for people in need and helped to build strong ties of respect and trust between America and Russia. Henry's mission will help to end the cycle of dependency on foreign assistance, by fostering private sector involvement in international development.

I commend Henry for his dedicated service and I am proud to represent him in the U.S. Senate.•

MARILYN MOORE, 1997 MISSOURI SMALL BUSINESS PERSON OF THE YEAR

• Mr. BOND. Mr. President, today I pay tribute to an exceptional small business person and fellow Missourian: Marilyn Moore. Marilyn recently received the Small Business Administration's [SBA] 1997 Small Business Person of the Year Award for Missouri. As chairman of the Committee on Small Business, it is exciting for me to congratulate such a respected and dedicated leader from my home State of Missouri.

The SBA honors one small business person from each State at national ceremonies during Small Business Week, June 1–7. These small business owners are acknowledged for their achievements and contributions to the Nation's economy. SBA uses several criteria to select the small business person from each State, these include; staying power, growth in number of employees, increase in sales and/or unit volume, current and past financial reports, innovative product or service, response to adversity, and evidence of contributions by the nominee to aid the community. The small businesses are nominated by trade associations, chambers of commerce, and business organizations. The SBA then selects from each State the business it feels has best met all of the criteria.

Missouri's representative, Marilyn Moore, is president of TeamRehab, Inc., located in Clayton, MO. Her company is dedicated to providing therapy services to physically challenged individuals. TeamRehab uses physical, occupational, and speech therapy to help these individuals, and its services extend to more than 35 nursing home facilities, outpatient clinics, and home health agencies in the greater St. Louis metropolitan area and southern Illinois. TeamRehab was established in 1982 with two employees, and since that time has grown to more than 135 employees. TeamRehab is committed to quality care as demonstrated by its mission to enhance the quality of life and dignity of our clients.

Marilyn's work in the St. Louis community is exemplary, and not only have TeamRehab's clients benefited from her work, but so have her employees. Marilyn is known for her fairness and commitment to a team effort. Her commitment to this team has proven successful as she continues to help her clients strive to remain as self-sufficient as possible.

Abraham Lincoln stated "Always bear in mind that your own resolution to succeed is more important than any other one thing." TeamRehab's success and accomplishments are testimony to her resolve. She is a role model for all small business owners and I congratulate Marilyn Moore for this well-deserved honor.•

THE BUDGET

• Mr. KYL. Mr. President, I rise to speak for a few minutes today about the budget that passed the Senate a week-and-a-half ago—a budget that I opposed. In particular, I want to discuss what appears to have made it possible for congressional leaders and the White House to bridge their differences and produce a budget agreement that allegedly leads to balance by the year 2002.

Mr. President, it seems to me that it was a projected $225 billion surge of revenue from a strong and growing economy—an extra $45 billion in each of the next 5 years—that helped bridge the gap. Without that additional revenue, which was identified by the Congressional Budget Office the night before the agreement was reached, no deal would have been possible.

Of course, the negotiators did not reach balance by applying that revenue windfall to deficit reduction or tax relief, as you might expect. Most of it was used instead to accommodate higher levels of spending demanded by President Clinton and even some in Congress. In other words, balance would be achieved, but at a level of spending $45 billion higher per year than if all the additional revenue were applied to deficit reduction or tax relief alone. The fact that the budget deal enlarges Government is one reason why I voted against it.

Still, the budget negotiators rightly identified a thriving economy as one of the keys to solving our Nation's chronic deficit problem. And unlike previous budget agreements, they looked to economic growth to provide the additional revenue, avoiding the trap of tax increases, which limit the economy's potential and, in turn, make it harder to eliminate the red ink. They even found a way to provide a limited amount of tax relief.

But with the deal so dependent upon economic growth, and no significant changes in policy to prevent the already lengthy expansion from running its course within the next few years, many of us believe that it will be difficult, if not impossible, to ever realize the extra revenues that the budget agreement depends on to bring the budget into balance.

As you know, Mr. President, the agreement itself provides no tax cuts—no family tax credit, capital gains relief, death-tax relief, or education tax credit. It merely establishes the overall size of the tax cut that Congress will begin writing in a few weeks. It permits a net tax cut of $85 billion over the next 5 years—a minuscule amount considering that the Treasury will collect an estimated $8.6 trillion over that time period.

Considering that even the modest tax-cut package congressional leaders proposed earlier this year—a $500-per-child tax credit, a 50-percent cut in the capital-gains tax, estate-tax relief, and expanded Individual Retirement Accounts—will cost an estimated $188 billion, it is doubtful that Congress will be able to provide even that level of relief. It is more than twice the net tax cut allowed by the agreement. The limited amount of tax relief is another reason that I voted against the budget agreement.

Rather than spread tax relief so thin that it does no one much good, some of us are now suggesting that we focus relief on just a few things that will do the most good for the economy overall—that is, on capital formation. After all, not one business can begin, not one company can expand, not one new job can be created, not one wage can be increased without the capital to start.

With that in mind, the single best thing we could do would be to provide a deep reduction in the tax on capital gains. Ideally, the reduction should match that which was recommended by Democratic President John F. Kennedy as part of his economic growth plan in 1963—a 70-percent exclusion for gains earned by individuals, and an alternative tax rate of 22 percent for corporations. Ironically, President Kennedy's plan, which I introduced this year as the Capital Gains Reform Act, S. 72, proposed even deeper capital-gains cuts than the Republican Congress passed a year-and-a-half ago.

Capital-gains reform will help employers and employees. The American Council for Capital Formation estimates that a Kennedy-like plan would reduce the cost of capital by at least 8 percent, leading to as many as 150,000 new jobs a year.

It will also help the Treasury. Between 1978 and 1985, the top marginal tax rate on capital gains was cut by almost 45 percent—from 35 percent to 20 percent—but total individual capital gains tax receipts nearly tripled—from $9.1 billion to $26.5 billion annually. That may come as a surprise to some people, but the fact is that when tax rates are too high, people merely hold on to their assets to avoid the tax altogether. No sale, no tax. But that means less investment, fewer new businesses and new jobs, and—as historical records show—far less revenue to the Treasury than if capital-gains taxes were set at a lower level.

Research by experts at the National Bureau of Economic Research actually indicates that the maximizing capital-gains tax rate—that is, the rate that would bring in the most revenue to the Treasury—is somewhere between nine and 21 percent. The Capital Gains Reform Act, by virtue of the 70 percent exclusion, would set an effective top rate on capital gains earned by individuals at about 12 percent.

President Clinton recognized the importance of lessening the capital-gains tax burden by proposing to eliminate the tax on most gains earned on the sale of a home. That is a step in the right direction, but if a capital-gains tax cut is good for homeowners, it should be good for others who save and invest as well. I believe we ought to follow the Kennedy model and provide a permanent, broad-based capital-gains tax cut.

Mr. President, estate-tax relief is the second item that should be accommodated within the limited amount of tax relief available under the budget agreement. I have proposed that such death taxes be repealed outright, as recommended by both the Clinton-sponsored White House Conference on Small Business in 1995 and the Kemp tax-reform commission in 1996.

The respected liberal Professor of Law at the University of Southern California, Edward J. McCaffrey, recently observed that polls and practices show that we like sin taxes, such as on alcohol and cigarettes. "The estate tax," he went on to say, "is an anti-sin, or a virtue, tax. It is a tax on work and savings without consumption, on thrift, on long-term savings." The estate or death tax thus discourages the very activity that is necessary to help our economy grow and prosper.

The tax is particularly harmful to small businesses, including those owned by women and minorities. It is imposed on a family business when it is least able to afford the payment—upon the death of the person with the greatest practical and institutional knowledge of that business's operations. It should come as no surprise then that a 1993 study by Prince and Associates—a Stratford, CT consulting firm—found that 9 out of 10 family businesses that failed within 3 years of the principal owner's death attributed their companies' demise to trouble paying death taxes.

In other words, instead of passing a hard-earned and successful business on to the next generation, many families have to sell the company in order to pay the death tax. The upward mobility of such families is stopped in its tracks. The proponents of this tax say they want to hinder concentrations of wealth. What the tax really hinders is new American success stories.

The Heritage Foundation estimates that repeal will, over the next 9 years, spur $11 billion per year in extra output, lead to the creation of an average of 145,000 additional jobs, and increase personal income $8 billion a year over current projections.

Mr. President, I know that my two bills—one providing a deep reduction in the capital gains tax, and the other eliminating death taxes—will probably not pass in their current form. The small amount of tax relief allowed by the budget agreement will not permit it if we are to provide child-tax credits, education credits, and other tax relief as well. But it is capital-gains and estate-tax reform that could help keep the economy on track, producing the revenues needed to bring the budget into balance.

As President Kennedy put it, "An economy hampered with high tax rates will never produce enough revenue to balance the budget, just as it will never produce enough output and enough jobs." Capital-gains and estate-tax relief should be at the top of the list when it comes time for Congress to write a tax bill in the coming weeks.●

MSGR. KENNETH VELO

● Ms. MOSELEY-BRAUN. Mr. President, it is my pleasure to congratulate Msgr. Kenneth Velo, president of the Catholic Church Extension Society and priest of the Archdiocese of Chicago, as the Joint Civic Committee of Italian Americans honors him on June 7, 1997 as the recipient of the Joseph Cardinal Bernardin Humanitarian of the Year Award.

Monsignor Velo, who was born on Chicago's south side, was ordained as a Catholic priest in May 1973, after attending St. Mary of the Lake Seminary in Mundelein, IL. Monsignor Velo served as associate pastor of St. Angela Parish in Chicago from 1973 to 1980 and as associate pastor of Queen of All Saints Basilica from 1980 to 1981. In 1981, he assisted the Archdiocese of Chicago as assistant chancellor, and from 1983 to 1985 served as vice-chancellor of the Archdiocese of Chicago.

Known for his ability to remember not only names and faces, but the circumstances of the people he encountered, Monsignor Velo was asked by the late Joseph Cardinal Bernardin, Archbishop of Chicago, to serve as the Cardinal's executive assistant in 1985. Monsignor Velo would serve the Cardinal in this capacity for 14 years. Monsignor Velo was, at times, the Cardinal's sounding board, driver, eyes and ears. Ultimately, it would be Monsignor Velo who would orchestrate Cardinal Bernardin's death rites and care for the Cardinal's mother after his death. No one will ever forget the powerful and moving eulogy the Monsignor delivered in memory of his friend.

In 1994 Pope John Paul II, moved by his reputation as a public servant, appointed Monsignor Velo to be President of the Catholic Church Extension Society, a national philanthropic organization that has helped isolated and impoverished missions throughout the United States since 1905. As president of the Catholic Church Extension Society, Monsignor Velo has only reaffirmed his reputation as an individual dedicated to helping others.

Monsignor Velo is a true humanitarian. Today, I extend my sincere congratulations to Monsignor Velo for receiving the Joseph Cardinal Bernardin Humanitarian of the Year Award. Through his extraordinary personal effort for the betterment of our community, Monsignor Velo truly has personified the humanitarian nature of Joseph Cardinal Bernardin. I am proud to join the Joint Civic Committee of Italian Americans in recognizing Monsignor Velo's achievements.●

TRIBUTE TO DR. RUDY ELLIS

● Mr. McCONNELL. Mr. President, today I rise to mourn the death and celebrate the life of a close friend, Dr. Rudy J. Ellis, Sr., who passed away this past Monday, June 2, 1997.

Dr. Rudy Ellis was an inspiration to those who knew him. He was a respected orthopedic surgeon in Louisville, KY, and was the team physician for University of Louisville athletics. Through the years, Rudy touched the lives of many people in the community as well as the thousands of Cardinal athletes that he treated during his 35 years as U of L's team doctor.

I had one thing in common with Rudy, we both started at the University of Louisville at about the same time. He became the U of L team physician in 1961. Since that time, he treated athletes in all sports, except when he stepped down from the Cards' football and baseball teams in 1986. Dr. Rudy Ellis has done more good for more people through the university than virtually anyone else.

As a U.S. Senator, I get to travel across Kentucky and meet many great

people who have made a difference in the State. And if I had to make a list of the truly great Kentuckians, Dr. Rudy Ellis would rank in the Top five.

A former member of the U of L's board of trustees and board of overseers, Rudy was one of the pioneers in sports medicine in Kentucky. He opened the Rudy J. Ellis Sports Medicine Center in 1980. And over the years, he has been an integral part of the athletic programs at many Jefferson County high schools, by providing free annual physical examinations for the 4,000 athletes in the school system. In 1993, to show their appreciation for his hard work and compassion for the young athletes, the athletic directors from across Kentucky created an award for people who provide distinguished service to high school sports. Who better to receive the first award than the man they named it after, Dr. Rudy Ellis.

High school gyms and the University of Louisville weren't Rudy's only stomping grounds; he also participated in the athletic programs at Bellarmine College, Lindsey Wilson Junior College, Hanover College, St. Catherine College, Spalding University, Louisville Redbirds, Kentucky Colonels Basketball Team, CBA Catbirds Basketball Team and Louisville Shooters Basketball Team. And in 1994, Rudy was recognized for all his work when he was inducted into the Kentucky Athletic Hall of Fame.

Mr. President please join me in extending my heartfelt sympathy and prayers to the Ellis family, his wife Ruth Anne and his four children, John, Jim, Linda and Amy, and to all those whose lives he touched. He will be missed very, very much.

Mr. President I ask that two articles from the Louisville Courier-Journal be printed in the RECORD.

The articles follow:

[From the Courier-Journal, June 3, 1997]

ELLIS, BELOVED U OF L TEAM DOCTOR, DIES AT 78

(By Ashley McGeachy)

Dr. Rudy J. Ellis, the caretaker of University of Louisville athletes for more than 35 years, died of an apparent heart attack yesterday morning. He was 78.

Details of Ellis' death were sketchy, but he and his wife, Ruth Anne, were in Vicksburg, Miss., over the weekend for his high school reunion. He died there.

Ellis was said to be in fine health as he embarked on the trip. He had suffered a heart attack five years ago to the day of his death, but he had suffered no serious health problems since.

An orthopedic surgeon, Ellis became the team physician for all U of L sports in 1961 and worked with all athletes through 1986 when he stepped down from the Cards' football and baseball teams. He was a U of L institution who never was paid for his work.

As news of Ellis' death spread throughout the U of L community, there was sadness over the loss of the soft-spoken, gentle man who healed whoever was ailing.

"He loved athletes whether it was a high school kid or a professional," said Cardinals basketball trainer Jerry May, who worked with Ellis since joining U of L as a student trainer in 1971. "He loved to make sure that they were taken care of. He probably never got paid much for any athlete he ever saw, but the prerequisite wasn't whether they could pay. The prerequisite was them being hurt."

May drove the Ellises to the airport Thursday night for their trip to Mississippi and was scheduled to pick them up last night.

"He was like a father to me," May said. "We were very close. We roomed together (on road trips) and have ridden many a mile together."

Said a teary Sherry Samenick, a U of L trainer who worked with Ellis for 17 years: "He's the epitome of loyalty, dedication, love, friendship and selflessness. . . . He didn't turn anybody down."

Ellis helped everyone from the biggest stars at U of L to high school athletes to ailing fans and media members. He helped Darrell Griffith and Scooter McCray when they had knee problems, Dwayne Morton when he broke his hand, Samaki Walker when he fractured his foot and, most recently, DeJuan Wheat when he sprained his ankle during the NCAA Tournament in March.

"I don't care how long you're at it, you never get used to it," Ellis once said of dealing with players' injuries. "You get real close to these kids, kind of feel like they're your own children, and you get a little frightened every time they take a spill."

When Scott Davenport, an assistant basketball coach at U of L, broke his arm at age 6, Ellis fixed it. When Davenport's son, Doug, fractured his leg seven years ago, Ellis' son, John, fixed it.

"One generation set one; one generation set the other," Davenport said, adding, "How many people do you meet in a lifetime who have never had anything bad said about them?"

Said U of L athletic director Bill Olsen: "Dr. Ellis meant a lot to this program. . . . His caring and compassion for people extended beyond athletes. Everyone had a lot of confidence in Doc. He was your best friend; he was a father figure to many student-athletes and in many ways was a coach."

Jock Sutherland, the longtime radio announcer for U of L, added: "He was a great person. There aren't many people outside of your family that you can say you love. I actually love Rudy Ellis. I love everything he stands for."

The university honored Ellis in 1995 with a scholarship in his name. He was inducted into the Kentucky Athletic Hall of Fame in 1994.

A native of Mississippi, he attended Mississippi State on a football scholarship and was the Bulldogs' starting quarterback from 1938 through '40. He graduated from U of L's medical school in '43 and became the Cards' team physician in 1961 at the behest of Peck Hickman, then the basketball coach.

He opened the Rudy J. Ellis Sports Medicine Center in Louisville in 1980, and he served at times as team physician for the Louisville Redbirds and the old Kentucky Colonels. He worked with Bellarmine College, Lindsey Wilson College, Hanover College, St. Catharine College and Spalding University in addition to the Jefferson County Public Schools.

Pearson's Funeral Home on Breckinridge Lane is handling the services, although the family didn't plan to make arrangements until today.

Ellis is survived by his wife and four children, sons John and Jim, and daughters Linda and Amy.

LOUISVILLE HAS LOST A DOCTOR TO US ALL

(By Rick Bozich)

I didn't want to call Dr. Rudy Ellis' home at 10:45 on a Tuesday night during Super Bowl week. But when you're a newspaper person on deadline, where else were you going to turn for an explanation of how an anterior cruciate ligament works and how you repair it?

You called Rudy Ellis, doctor to us all.

The first thing he did was tell me to stop apologizing for calling at that hour.

The second thing was to explain everything he knew about the anterior cruciate ligament, how he repaired one and how long the recovery is.

And, finally, after he asked how I was enjoying New Orleans, the third thing he did was make me promise to call back later that evening if I had further questions about anything he had just patiently explained in incredible detail for 20 minutes.

"Don't worry about it, paaaart-ner," Ellis always said in that soft comforting drawl that rolled all the way back into his boyhood days in Mississippi. "We'll take care of it."

Ellis did not believe in the doctor-patient relationship. He believed in the friend-friend relationship. He was an orthopedic surgeon who handled sports-related problems, but his real specialty was his warm and compassionate personality.

It did not matter whether you were a University of Louisville Cardinal, a Louisville Redbird, a Kentucky Colonel, a five-morning-a-week jogger or a substitute third baseman in a Sunday night softball league—you lost a tireless friend when Rudy Ellis died yesterday.

Ellis was as concerned about your knee as Darrell Griffith's knee, as worried about your shoulder as Felton Spencer's shoulder, as interested in your day as he was in anything he was doing in the most action-packed retirement I have ever seen.

You were just as likely to find him and his associates at the Streetball Showdown as you were at Freedom Hall, where he served so many years as the U of L team physician.

Jim Watkins, the athletic director for Jefferson County Public Schools, cannot remember when this state has conducted finals for any sport without representatives of Ellis' office on the scene.

In 1993 athletic directors across Kentucky created an award for friends of high school sports, outside of school personnel, who provide distinguished service. Not only did the athletic directors give Ellis the first award, but they also named it the Dr. Rudy J. Ellis Award.

"Nobody could be more deserving," Watkins said. "Or more humble."

Ellis never sent the high schools a bill. He only sent every patient on the way with a smile, convincing you that if you followed his instructions you'd be hanging on the rim again soon. No wonder so many local athletes who have become professionals never let another doctor take their temperature until they checked with him.

Griffith was not Dr. Dunkenstein, the 1980 college basketball player of the year, when he met Ellis. Griffith was a terrified Male High School sophomore wincing from every breath after taking a hard shoulder to his chest at practice.

"You look a little worried, son," Ellis said after Wade Houston, the Male coach, brought Griffith to the office. "Well, you're going to live. In fact, you'll be fine."

"Dr. Ellis wasn't in medicine for the money," Griffith said. "He was really in medicine to help people. When you looked in his eyes, you saw he really cared about you."

Ask any high school athlete who attended Super Saturday. For at least the past 15 years, Ellis organized a battalion of local doctors and trainers who provided physical examinations for any high school athlete. He insisted that the Super Saturdays be staged three times a year so athletes from fall, winter and spring sports were covered. Watkins said the doctors examined 1,500 to 2,000 students at each session.

At each free session, that is.

"There aren't many people like Rudy Ellis," Watkins said. "He truly believed it was his responsibility that every athlete had quality medical care."

"Louisville has lost a great man," Griffith said.

And Louisville has lost a great friend.•

TRIBUTE TO WILLIAM E. BREW, MINORITY GENERAL COUNSEL, SENATE COMMITTEE ON VETERANS' AFFAIRS

• Mr. ROCKEFELLER. Mr. President, I note with great sadness the departure of someone who had become a veritable institution on the staff of the Senate Committee on Veterans' Affairs—minority general counsel, William E. Brew.

Bill retired from the Committee on April 4, 1997—19 years and 1 day after he came for what he believed, at the time, was a less than 2-year commitment. How fortunate we all have been that those 2 years stretched out for almost 2 decades!

When Bill joined the committee staff as associate counsel in April 1978, the committee was still fairly young—it had only been established in 1971. So, the fact is, Bill has been with the Committee for almost as long as the Committee itself has been in existence. Ask him about any piece of legislation that came before the committee during his tenure, and he can most likely give you a blow-by-blow description of its legislative history, the major players involved, subsequent modifications, etc. Everyone who has heard of Bill's departure has commented on how great the loss of his institutional memory will be.

Bill is truly a fountain of knowledge about veterans legislation. But his is no dry history lesson. Bill is a wonderful storyteller, whose recounting of the past is full of humor and the little details that bring those events to life.

And no one shares his knowledge more generously and willingly than Bill. He is a gifted teacher. Countless young—and not so young—legislative staffers have benefited from his unique expertise. Bill's patience is legendary. No matter how many times he explained something, he was always willing to take time to go over it again. His mentoring of younger staffers was particularly meaningful to many with whom he discussed not only work issues, but life goals and philosophies.

Bill anchored the committee through times of change. He saw the committee through several shifts of control from Democratic to Republican Congresses, and although a committed Democrat himself, won the respect and appreciation of both Democratic and Republican chairmen alike. He was tremendously helpful to me at the time I assumed chairmanship of the committee in 1993. He has truly been a mainstay of the committee.

Bill is a graduate of Notre Dame (B.A.) and Catholic University School of Law (J.D.), a two-term veteran of the Navy, including 18 months duty in Vietnam, and a devoted family man, the father of five children. He is a role model of old-fashioned values—honesty, integrity, fairness, service to others, modesty. He is a true team player. He never claimed the spotlight, but was always there, behind the scenes, to offer his wise counsel, expert guidance, and astute judgment.

Bill thoroughly understood the legislative process and was a highly effective advocate for veterans. He is a master of negotiation, able to sort through complex issues and focus on realistic solutions that weigh the ideal vs. the attainable. Whether or not they agreed with him on an issue, all who dealt with him knew him to be fair-minded, balanced, and an often calming voice of reason in the heat of intense discussions that shaped important legislation.

Bill's accomplishments are many. Most significant among them are legislation leading to establishment of the U.S. Court of Veterans Appeals for judicial review of veterans claims, and the Veterans' Claims Adjudication Commission to conduct a comprehensive review of the claims process; expansion of programs relating to the readjustment needs of Vietnam and post-Vietnam veterans, including creation of a National Center on Post Traumatic Stress Disorder; implementation of several initiatives to address the problem of nurse shortages at VA hospitals; changes in VA's procedures responding to the needs of women veterans sexually assaulted while on active duty; and revision of VA health care eligibility rules. He also collaborated with the General Accounting Office to design and conduct a study evaluating the supervision of VA surgical residents, and then worked with VA to carry out recommended changes leading to increased quality of surgical care.

Bill left behind big shoes to fill. He is enormously missed by all of us who worked with him.•

RECOGNITION OF CFIDS AWARENESS DAY

• Mr. SANTORUM. Mr. President, I rise today to reaffirm my support for the tireless effort of the Chronic Fatigue Syndrome Association of Lehigh Valley to fight chronic fatigue and immune dysfunction syndrome [CFIDS], or chronic fatigue syndrome [CFS].

For 5 years, the CFS Association of Lehigh Valley has been dedicated to finding a cure for CFIDS, increasing public awareness, and supporting victims of this disease. The Lehigh Valley organization is actively involved in CFS-related research. In addition, they regularly participate in seminars to train health care professionals. Public education is an essential aspect of the association's mission. For instance, they arranged the broadcast of a video documentary about CFIDS on public television. Likewise, the Lehigh Valley organization raises public awareness through the International CFIDS Awareness Day, which is held on May 12 each year. I would also note that the CFS Association of Lehigh Valley received the CFIDS Support Network Action Award in both 1995 and 1996 for their initiatives in public advocacy.

Although researchers have made some advances in the study of this condition, CFIDS remains a mysterious illness. Presently, there is no known cause or cure. Victims experience a wide range of symptoms including extreme fatigue, fever, muscle and joint pain, cognitive and neurological problems, tender lymph nodes, nausea, and vertigo. Recently, the Centers for Disease Control gave CFIDS "Priority 1" status in the new infectious disease category, which also includes cholera, malaria, hepatitis C and tuberculosis. Until this disease is obliterated, the CFS Association of Lehigh Valley will continue its research and education campaigns.

Mr. President, I urge my colleagues to join me in commending the Lehigh Valley organization and in supporting the following proclamation, which I ask be printed in the RECORD.

The proclamation follows:

PROCLAMATION

Whereas, the Chronic Fatigue Syndrome (CFS) Association of the Lehigh Valley joined the Chronic Fatigue and Immune Dysfunction Syndrome (CFIDS) Association of America, the world's largest organization dedicated to conquering CFIDS, in observing May 12, 1997 as International Chronic Fatigue and Immune Dysfunction Syndrome Awareness Day; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley, a member of the Support Network of the CFIDS Association of America, is celebrating their fifth year of service to the community; and

Whereas, the Chronic Fatigue Syndrome Association of the Lehigh Valley recently received the CFIDS Support Network Action Award for Excellence in Service in the Area of CFIDS Awareness Day 1996 and for Excellence in Commitment and Service to the CFIDS Community in the Area of Public Policy; and

Whereas, CFIDS is a complex illness which is characterized by neurological, rheumatological and immunological problems, incapacitating fatigue, and numerous other symptoms that can persist for months or years and can be severely debilitating; and

Whereas, estimates suggest that hundreds of thousands of American adults already have CFIDS; and

Whereas, the medical community and the general public should receive more information and develop a greater awareness of the problems associated with CFIDS. While much has been done at the national, state, and local levels, more must be done to support patients and their families; and

Whereas, research has been strengthened by the efforts of the Centers for Disease Control, the National Institutes of Health, and other private institutions, the CFS Association of the Lehigh Valley recognizes that much more must be done to encourage further research so that the mission of conquering CFIDS and related disorders can be achieved.

Therefore, the United States Senate commends the designation of May 12, 1997 as CFIDS Awareness Day and applauds the efforts of those battling the illness.

Mr. SANTORUM. I appreciate the Senate's consideration of this issue, and I thank my colleagues for their attention.•

JEWEL S. LAFONTANT-MANKARIOUS

• Ms. MOSELEY-BRAUN. Mr. President, today I would like to offer my sincere condolences to the family, friends, and colleagues of Jewel S. Lafontant-Mankarious. I especially want to convey my most heartfelt condolences to Mrs. Lafontant-Mankarious's son and my dear friend, John Rogers.

On Saturday, May 31, 1997, our Nation lost one of our finest citizens. Mrs. Lafontant-Mankarious, a native of my hometown Chicago, will be remembered by many as a courageous woman who broke barriers for African-American women in law and government.

Jewel Lafontant-Mankarious was born of a distinguished family of African-American professionals and leaders, who had a long history of American patriotism. It was only natural that she would want to follow in this tradition of leadership. Mrs. Lafontant-Mankarious' desires led her to pursue an undergraduate degree in political science at Oberlin College, and later a law degree from the University of Chicago, where she graduated in 1946. Due to the level of institutional racism and sexism that existed in the legal field at that time, however, Mrs. Lafontant-Mankarious found herself unable to secure a job in a major firm, obtain office space in the downtown area, or even join the Chicago Bar Association. Mrs. Lafontant-Markarious was resilient, however, and would later rise to become a senior partner in the firm of Stradford, Lafontant, Gibson, Fisher & Cousins, senior legal partner at Vedder, Price, Kaufman & Kammholz, and a partner in the law firm of Holleb & Collef. Just this past year, in fact, Mrs. Lafontant-Mankarious was cited as one of the top female attorneys in the city of Chicago.

Her success never interfered with her commitment to public service. Mrs. Lafontant-Mankarious, has been remembered as "a regal woman, a person of the highest integrity," who "gave her legal services to the downtrodden people who couldn't fight for themselves."

It was this sense of fairness that led Mrs. Lafontant-Mankarious in her other endeavors. A longtime civil rights activist, Mrs. Lafontant-Mankarious was a founding member of the Congress for Racial Equality, held office in the Chicago chapter of the NAACP, and was on the board of the American Civil Liberties Union. In this capacity she is remembered for showing the same sort of tenacity and resilience that brought her success in her legal career, and is known for using innovative, yet peaceful, methods to bring about change. In later years, Mrs. Lafontant-Mankarious would continue to be active in countless civic endeavors, using her influence and her legal skills to help African-American entrepreneurs.

Mrs. Lafontant-Mankarious' activism was consistent and tenacious. She not only fought for the rights of African-Americans during the civil rights era, but fought to ensure that women, in particular, had a voice. In fact, by 1969, at a time when very few women had any real power in the corporate world, Mrs. Lafontant-Mankarious sat on the boards of 15 major corporations, including TWA and Mobile Oil. She elegantly broke barriers of both race and gender in all of her endeavors.

Mrs. Lafontant-Mankarious was extremely active in Republican politics. A close friend of Presidents Eisenhower, Nixon, and Bush, Mrs. Lafontant-Mankarious served as the first African-American woman to hold the position of assistant U.S. attorney during the Eisenhower administration. In 1972, Mrs. Lafontant-Mankarious became the highest female appointee named in the second Nixon administration, when she was selected as Deputy Solicitor General in the Justice Department. Years later, during the Bush administration, she would serve as U.S. Ambassador-at-Large for 4 years, visiting 28 countries. President Bush also appointed her to serve as Coordinator for Refugee Affairs for the State Department.

We should all be proud of the life that Mrs. Jewel S. Lafontant-Mankarious led. She was a woman of integrity, valor, and achievement, and was a personal heroine and role model to me. She rose above adversity, used her God-given talents to fight for the rights of others, and served as an example for following generations of what a strong heart and mind can achieve. Mrs. Lafontant-Mankarious will be sorely missed by all Americans who believe in the value of a true democratic society, who oppose discrimination, and who support the notion that we can all serve the good of humanity.

Today, I salute Jewel S. Lafontant-Mankarious for her many achievements, and thank her for her legacy.•

MAURICE SORRELL

• Ms. MOSELEY-BRAUN. Mr. President, I would like to extend my heartfelt congratulations to Maurice Sorrell, the dean of black photojournalists, as colleagues, friends, and family gather to celebrate his retirement from a lifelong commitment to capturing history on film.

Mr. Sorrell, a D.C. native, first noticed his love for photography as a youngster, when he often watched his uncles taking amateur pictures of his parents. His first job in photography was at the Pentagon in the 1950's, where he was permitted to work only in the darkroom because of racial segregation policies that existed. In 1957, Mr. Sorrell decided to strike out on his own as a freelance photographer. It was in this capacity that Mr. Sorrell served the Afro-American Newspapers and the Washington Afro-American Newspaper.

In 1962, Mr. Sorrell joined Johnson Publishing Co., Inc., as a staff photographer. Mr. Sorrell's artistic but honest portrayal of most civil rights events, as well as other issues of importance to the African-American community, has made him a landmark figure at Johnson Publishing Co., Inc. For the past 35 years, his work has appeared regularly in Ebony and Jet magazines. In addition to having received numerous awards and citations, Mr. Sorrell has earned a reputation among his colleagues for being a truly gifted photographer, with a unique eye for capturing the essence of the moment with a single portrait.

Among his many firsts, Mr. Sorrell has the distinction of being the first African-American to gain admittance in the prestigious White House News Photographers Association in 1961, as well as the honor of being the photographer who took the first group photo of the Congressional Black Caucus.

Over the course of his extensive career, Mr. Sorrell has visited more than 24 countries, covered nine presidents, photographed the March to Selma, AL, with Dr. Martin Luther King, Jr., shot the World Series and NFL games, and covered many other events. His work has gained him the confidence of some of our Nation's most memorable and influential people.

Maurice Sorrell is truly an American legend. Today, I commend him for his accomplishments, and applaud his contributions to the field of photography. Through his dedication to his art, and by his desire to capture our Nation's history on film, he has touched the lives of countless Americans.•

HELEN MAYBELL ANGLIN

• Ms. MOSELEY-BRAUN. Mr. President, it is indeed my pleasure and

privilege to join the family and friends of a distinguished citizen of Chicago, IL, Mrs. Helen Maybell Anglin, in celebrating her 50th anniversary in the restaurant business. Mrs. Anglin has always held that the "good things in life ought to be enjoyed by all people, especially good food." As owner and manager of the Soul Queen Restaurant, a popular soul food eatery located on the Windy City's Southside, Mrs. Anglin works her special magic to turn simple, down home fare into something spectacular.

Aside from being a local legend, Mrs. Anglin has been nationally recognized for her culinary talents. Her recipes have been published in numerous sources, including the Ladies Home Journal. She has also appeared on local and national television programs, including the Oprah Winfrey Show, to demonstrate her masterful cooking techniques. Throughout her career, Mrs. Anglin has been instrumental in exposing the public-at-large to delicious soul food cuisine.

In addition to being a successful restauranteur, Mrs. Anglin has been a committed civic leader for decades. She is one of the original board members of the PUSH Foundation and has been an active supporter of the NAACP, the League of Black Women Voters, and the United Negro College Fund. She is well known for inspiring young people to maximize their educational opportunities and has provided financial assistance to help many achieve their goals.

Mrs. Anglin combines her private passion for good food with her public commitment to the common good. Her community work and civil rights advocacy represent a singular distinction for this woman of and for the people. She has distinguished herself as one of Chicago's most valuable leaders through her extraordinary talent, innovation, and compassion. Her achievements and dedication to quality in all her endeavors are a shining example to us all, and I am honored to know her.●

ORDERS FOR WEDNESDAY, JUNE 4, 1997

Mr. ASHCROFT. I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until the hour of 3 p.m. on Wednesday, June 4. I further ask unanimous consent that on Wednesday, immediately following the prayer, the routine requests through the morning hour be granted and the Senate then immediately resume consideration of S. 4, the Family Friendly Workplace Act; and further the time until 4 p.m. be equally divided with Senator KENNEDY or his designee in control of the first 30 minutes and Senator ASHCROFT in control of the second 30 minutes; and further at the hour of 4 o'clock the Senate proceed to the vote on the motion to invoke cloture on the substitute amendment to S. 4.

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

Mr. ASHCROFT. I ask unanimous consent that it be in order for Senators to file second-degree amendments until 3:30 on Wednesday in order to qualify under the provisions of rule XXII.

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

PROGRAM

Mr. ASHCROFT. For the information of all Members, there will be a cloture vote tomorrow afternoon at 4 p.m. on the substitute amendment to S. 4, the Family Friendly Workplace Act. It is the hope of the majority leader that cloture will be invoked and the Senate will be able to make progress and hopefully complete action on this important legislation. Additional votes are expected on or in relation to the pending amendments as well as additional amendments that may be offered.

As a reminder, it is still the hope of the leader to complete action on the budget resolution conference report as soon as that report becomes available. In addition, the majority leader has stated that the Senate may also complete action on the supplemental appropriations conference report when that report is available.

ADJOURNMENT UNTIL 3 P.M. TOMORROW

Mr. ASHCROFT. Mr. President, if there is no further business to come before the Senate, I now ask unanimous consent that the Senate stand in adjournment under the previous order.

There being no objection, the Senate, at 7:19 p.m., adjourned until Wednesday, June 4, 1997, at 3 p.m.

NOMINATIONS

Executive nomination received by the Senate June 3, 1997:

DEPARTMENT OF JUSTICE

BETH NOLAN, OF NEW YORK, TO BE AN ASSISTANT ATTORNEY GENERAL, VICE WALTER DELLINGER.

HOUSE OF REPRESENTATIVES—*Tuesday, June 3, 1997*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore [Mr. NETHERCUTT].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 3, 1997.

I hereby designate the Honorable GEORGE R. NETHERCUTT, Jr., to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leaders limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PALLONE] for 5 minutes.

DEMOCRATS HAVE TAKEN LEAD ON CHILDREN'S HEALTH CARE

Mr. PALLONE. Mr. Speaker, in the coming days, I am hopeful that a children's health care initiative will emerge as a result of the budget reconciliation process. It is my understanding that approximately $16 billion over 5 years has been set aside in the budget to provide money to help families obtain health coverage for their children.

Since last year, Mr. Speaker, when the Democrats developed the Families First agenda, children's health care has been a high priority. Although Republicans have failed to realize that 10 million uninsured children in this country is a problem that needs to be addressed, I have to assure my colleagues that Democrats have not let the needs of these children fall on deaf ears. As one of the three cochairs of the Democratic Health Care Task Force, we have held hearings and meetings with child advocacy groups and various health care providers who have all been very clear in expressing the need for Federal involvement in this issue.

Two months ago, I and a number of my colleagues on the Democratic side sent a letter urging that the Republican leaders move legislation forward by Mother's Day that would benefit the uninsured children. Since then, the GOP has really done nothing about the issue while each day more children enter the ranks of the uninsured.

Just as an example, Mr. Speaker, in my home State of New Jersey, over 200,000 children are currently without health insurance, according to a very good estimate. That many children should not be without health insurance in this Nation if we think about what it means nationwide. Many do not realize that over 90 percent of all uninsured children are in working families whose employer does not offer health insurance or who just cannot because the family or the policy that the employer provides, they just cannot afford to pay the skyrocketing costs.

I have to say, Mr. Speaker, that Democrats understand these statistics and the Democratic Health Care Task Force has developed a proposal to address the problem of uninsured kids. Our task force plan would strengthen Medicaid, create a new flexible matching grant program for working families and enact important health insurance reforms. And this proposal, the Democratic Health Care Task Force proposal, can be considered now that Republicans are being forced to address this issue as a result of the $16 billion set aside for children's health care under the balanced budget resolution.

Of the 10 million uninsured children, approximately 3 million are already eligible for Medicaid. But what we do in our plan is provide grants to States to help local communities in developing outreach programs to take these 3 million children out of the ranks of uninsured, with maximum flexibility to employee communities resources. So first, what we are doing is to try to get to the kids that already are eligible for Medicaid but for whatever reason are not signed up.

In addition, our Democratic plan will enable children to remain eligible for Medicaid for a full year from the time they are determined eligible. At present, the status is evaluated many times in a given year, oftentimes leading to children having health care insurance one month but not another. This change will offer continuity and allow parents to be more at ease with the guarantee that their child will not lose health care coverage from one month to the next.

The Democratic plan creates Medikids, which is a new matching grant program that will provide States with the necessary resources to seek innovative State solutions to meet the needs of uninsured children in working families. States would be eligible for extra money if they expand Medicaid coverage to cover pregnant women up to 185 percent of the poverty level and all children through the age of 18 in families below 100 percent of the poverty level. Just to give an example, Mr. Speaker, my home State of New Jersey already covers pregnant women up to 185 percent of the poverty level, but they only cover children up to the age of 13. So if they expand that to 18, they then will not only have an expanded Medicaid Program, but they would be able to take advantage of the new Medikids matching grant programs to expand health insurance even beyond Medicaid to a lot more working families.

Under this grant program or Medikids Program, States may provide assistance on a sliding scale, and they have flexibility to determine the level of assistance. They could use the money, the additional funds they get, to pay for programs already helping uninsured children in their State, but the benefits package must be comparable to what is offered under Medicaid. What we are trying to do is to basically get at children whose families have an income between 100 and 300 percent of poverty. So we are going beyond Medicaid to working families who still cannot afford health insurance for their kids but are making more than the poverty level.

The last thing I wanted to mention, Mr. Speaker, is that we do have a component in our Democratic proposal for private health insurance reforms. This consists of requiring insurers to offer group-rated children-only policies thereby making—what we are essentially doing, Mr. Speaker, if I could summarize it, is we are trying to say that, if a group policy is offered, they have to offer kids-only insurance so that parents basically can say, maybe we cannot afford to buy insurance for the whole family but we can afford to buy it for kids.

In summary, what we are doing is expanding Medicaid, granting more money to the States to go beyond Medicaid to cover more kids and making it possible for people who have group insurance to buy kids-only policies to cover kids in those categories. I think it will work to cover most if not all the 10 million uninsured children.

POTENTIAL POLLUTION OF POTOMAC

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from West Virginia [Mr. WISE] is recognized during morning hour debates for 5 minutes.

Mr. WISE. Mr. Speaker, Sunday, residents of this area, the Washington, D.C. area, found a front page Washington Post article dealing with potential pollution problems coming down the Potomac from West Virginia. This followed a report a couple of weeks ago by a group called the American Rivers group. Since most of the Members in this Chamber at some time or another are going to be drinking water generated at the headwaters of the Potomac, namely, West Virginia, I thought we ought to talk about it and talk about what is being done to deal with this concern.

I think that people ought to know that there is a commonsense solution to these problems and, indeed, a number of measures are being untaken, and that no one is trying to close their eyes to the situation, but at the same time we also have to appreciate what is being done and that, indeed, a number of steps are already underway to deal with this.

This is not a new issue. In 1994, Federal and State officials were proactive in initiating a project to monitor water quality generated in the Potomac and a number of agencies came together, along with the U.S. Geological Service and the Natural Resource Conservation Service. They performed a long-term study and found that there were high concentrations of fecal coliform and fecal streptococci.

As a result of these findings the following efforts have been initiated, and I think they are significant:

First of all, the Potomac Headwater Land Treatment project. This is a very significant program initiated just a few months ago in which there is a cost share program funded under the U.S. Department of Agriculture's watershed program to assist poultry and livestock producers in developing a nutrient management plan and directing them to build storage facilities.

Poultry litter composting demonstration project, another similar type of effort.

One area that I think has great promise and is already being tested successfully is the power digest project, a project of the West Virginia Department of Agriculture, formerly working with the Olin Co., now with a West Virginia firm, demonstrating ways to reduce the chicken litter to produce methane gas for energy and compost. This is now ready for full-scale application.

We also have the pesticide collection program in which the Eastern Panhandle and Potomac Valley Soil Conservation districts are holding separate pesticide collection days and already more than 30 tons of pesticides have been collected that is not going into the water system.

The Geographic Information System administered by the NRCS and the West Virginia Soil Conservation Agency to record data on the location of poultry houses and feedlots that could be creating problems. The riparian zone development project undertaken in cooperation with the U.S. Fish and Wildlife Service and Partners for Wildlife Program.

The manure testing laboratory, very significant, established in Moorefield through the cooperative efforts of the West Virginia Department of Agriculture, the NRCS, the Soil Conservation Service and the EPA.

The water quality incentive program, which provides incentive payments to farmers to improve land health by changing their management methods.

Also the litter hotline so that farmers and poultry producers can receive assistance in how to deal with this problem. There are a number of other efforts underway as well, including adding additional staff at the new laboratory in Moorefield to work firsthand on these concerns.

I want to reassure people that several things are being done. I have directed my staff to coordinate closely with the West Virginia Commissioner of Agriculture, Gus Douglas, who has already taken the lead on this over the past few years. We are today in the field in Hardy County and other areas talking with many of the parties involved. The first thing is to identify the full extent of the problem and the second is to make sure that we are working in close coordination.

I believe that there is a coordinated effort already underway. If it is not enough, it will be made enough. But I think it is significant, and I wanted people to understand that no one is taking this problem lightly in West Virginia, that indeed working with the poultry industry, working with the poultry producers, those who own the houses, those who are raising the poultry, working with the economic development concerns and working with environmentalists, we are addressing this problem and indeed making every effort to make sure that the Potomac is safe, every part of the Potomac.

So we look forward, Mr. Speaker, to reporting back on progress that is being made. But in light of these reports that have been issued, I think it is important that many people in this area understand that significant efforts are underway to deal in a very meaningful and commonsense way with whatever pollution there may be, because we all benefit, whether at the headwaters of the Potomac or at the receiving end in the Chesapeake Bay, we all benefit from cleaner waters. And we are dedicated to making sure that happens.

JUNE 4—TIANANMEN SQUARE MASSACRE MEMORIAL

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentlewoman from California [Ms. PELOSI] is recognized during morning hour debates for 5 minutes.

Ms. PELOSI. Mr. Speaker, 8 years ago this week, the world was shocked as people witnessed the brutal suppression of individual freedom and liberty in Tiananmen Square, a massacre which is still not acknowledged by the authoritarian leaders in China. The images of that massacre were seared into our consciousness.

We have not forgotten those who lost their lives for the cause of freedom, and we must not forget those still in prison who have lost their liberty in pursuit of this basic right. Indeed, who can forget the image of the lone man before the tank, portrayed here in this photograph of that courageous act.

I am proud to say that signing this particular poster on this particular poster are the signatures of most of the leading dissidents at the time of the democracy movement in China who have since escaped from China.

It is without question, Mr. Speaker, that we expect to have a brilliant future for the people of China, diplomatically, culturally, economically, and politically.

Our problem is not with the people of China, but with the actions of the repressive Chinese Government, a Government that continues to stifle dissent, to imprison those who dare to speak out, to worship as they please, to organize or to disagree. Eight years ago, the brave men and women who demonstrated for democracy did so in the spirit and the footsteps of our Founding Fathers.

They quoted Thomas Jefferson. They built a monument fashioned after our Statue of Liberty. They looked to the United States as a beacon of hope and of freedom. We looked and still look to them for their courage, their idealism, and their dedication to the establishment of basic human rights and respect for basic human rights.

Tonight in Washington, DC, there will be a demonstration outside the Chinese Embassy. It will be a coming together of many of the groups who have worked in solidarity, human rights groups, labor rights groups, workers rights groups, religious rights groups who have worked together since the time of the Tiananmen Square massacre to call attention to the severe repression that continues in China still today.

□ 1245

As I said earlier, we will gather to honor the pro-democracy activists as

we recognize their legacy and the legacy that they obtained from our Founding Fathers. We cannot and must not abandon them in their cause of freedom, both where it is missing and where it currently exists. Where it currently exists, of course, is in Hong Kong, and I will move on to that in a moment.

It is quite clear that by imprisoning those that speak out for democracy, China's leaders have imprisoned part of all who speak out for democratic freedoms. These men and women are the past. The rulers of Beijing are the past. The brave men and women of 1989 and of 1978 and of all the outbursts of freedom, big and small, over the decades in China are the future.

In a few short weeks the world will watch as freedom where it exists now in China, in Hong Kong, is tested. We must maintain our commitment to the people of Hong Kong and to their civil liberties and basic human rights.

In yesterday's paper, Mr. Speaker, it was reported that in Hong Kong there was a huge protest demanding the freeing of the prisoners arrested at the time of the Tiananmen Square massacre. Thousands of people in Hong Kong rallied as the turnover approaches and makes such demonstrations illegal. This rally was first a response to a statement made by a leader in Hong Kong, who said "Forget about Tiananmen Square," and these young people turned out to say we will not forget about Tiananmen Square. So, again, thousands of people turned out with posters that said "Forget Tiananmen Square? Never."

Mr. Speaker, in observation of the 8-year anniversary. I once again want to call to the attention of our colleagues a book called "The Courage to Stand Alone", written by Wei Jingsheng. Wei Jingsheng has been called the Sakharov of China, and this book was written in a prison cell by him. It is a moving book by the paramount leader and symbol of the ongoing struggle for democracy and human rights in China.

They say the most painful part of being a political prisoner, a prisoner of conscience anyplace, is that your imprisoners tell you that nobody cares about you, that nobody knows you are in prison or cares about why you are there. And one thing I want to make certain is that those political prisoners arrested for their peaceful demonstration of their rights at the time of the Tiananmen Square massacre know that they have not been forgotten, all of them, including Wei Jingsheng, indeed a champion of democracy throughout the world.

I would like to read more from the book but my time has expired. More on the subject later. But let us all come together, regardless of what we think about our policy to China, to commemorate the courage of those who gave their personal freedom and indeed their lives for the cause of democratic freedom in China.

RECESS

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to clause 12 of rule I, the House stands in recess until 2 p.m.

Accordingly (at 12 o'clock and 48 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 2 p.m.

PRAYER

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

Let us pray.

May Your blessings, gracious God, that brighten every place and give peace to every soul, be with all who seek Your presence and ask for Your favor. We seek to trust our own strength and yet we know we can be weak; we wish to endorse our own wisdom, and yet we know our ignorance; we say we pursue justice, and yet we can miss the mark. O loving God, as You have created us and nurtured us along life's way, so fill our hearts with those blessings that show us the way of truth and the meaning of life. This is our earnest prayer. 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 pro tempore (Mr. MILLER of Florida). Will the gentleman from Arizona [Mr. STUMP] come forward and lead the House in the Pledge of Allegiance.

Mr. STUMP 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.

DISPENSING WITH CALL OF PRIVATE CALENDAR

Mr. STUMP. Mr. Speaker, I ask unanimous consent to dispense with the call of the Private Calendar today.

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

There was no objection.

INTRODUCING RESOLUTION TO DENY MOST-FAVORED-NATION TRADING STATUS TO COMMUNIST CHINA

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

Mr. SOLOMON. Mr. Speaker, today I and a bipartisan group of Members of the House, including Democrats and some of the Republican leadership, are introducing a resolution to deny most-favored-nation trading status to Communist China.

Once again we have witnessed the utter failure of granting favorable terms of trade to China. Here is what it has brought us over the last year:

The purchase of Russian missiles specifically designed to take out American ships and kill American sailors;

A $40 billion trade deficit, approaching $50 billion now, mostly caused by the importation of slave-labor goods in this country;

Attempts to buy influence and use U.S. elections and conduct economic espionage against the United States of America;

A renewed crackdown on religion and preparations for a crackdown on liberties in Hong Kong;

But most of all, continued missile and chemical weapons shipments to Iran and Pakistan that will someday kill tens of thousands of innocent human beings, including soldiers who will be called to the rescue, as they were in the Persian Gulf.

I would ask Members to support this resolution when it comes to the floor.

PASS A STRAIGHTFORWARD DISASTER RELIEF BILL NOW

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

Mr. PALLONE. Mr. Speaker, House Republicans decided to go home for Memorial Day vacation last week, even though they still have not provided disaster-stricken families with the emergency funds needed to rebuild their lives. It has now been more than 2 months since the President sent disaster relief legislation to Congress; yet Republicans still have not finished their work and passed the bill.

Last month Republicans loaded the bill up with provisions to freeze spending on education and other priorities for working families, a provision the President warned them would force him to veto the bill.

This emergency disaster relief bill that Republicans are holding hostage would help thousands of families rebuild their lives after a massive flood devastating their homes, businesses, and farms. It also included in the bill

emergency funds to keep 360,000 women and children from being kicked out of the WIC child nutrition program.

Mr. Speaker, Democratic leaders and Members of Congress from States hardest hit by this flooding will be gathering today to deliver a simple message to the Republican leadership: Just do it, pass a straightforward disaster relief bill now.

GO FLYERS

(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:

There is a place down in Philly called Broad Street,
Where opponents were once turned into minced meat,
These bullies, they skated and were generally hated
By all of those whom they routinely deflated;
The Spectrum was home to these champions of ice,
The Stanley Cup was made theirs not once, but twice,
With Clarkie and Leach and Parent in the net,
Their blood, sweat, and tears we will never forget;
But now here we are in 1997,
The Flyers approaching ice hockey heaven,
Eric the Great has shown us the way,
His heart, speed, and talent on constant display;
With well-seasoned Coffee and a Legion of Doom,
The orange and black have shown opponents their tomb,
Super Mario was valiant but nevertheless,
He just couldn't beat power with pretty finesse;
Over the Sabers they rode on Snow's bulging shoulder,
And then back to Hextall both wiser and older,
The Rangers and Great One were just out of place,
The only "Mess" that we saw was of Robitaille's face;
The heroics of Brind'Amour, Klatt, and Podein,
Have made all us Flyers' fans stand up and scream,
Here we are in the finals with sights set on the Cup,
Like the 70's, no Russians will mess this dream up;
Big Joel Otto and Therien have merely begun,
To pummel the Wings til their Red starts to run,
And just like the days when the Broad Street Bullies did reign,
The Stanley Cup will belong to the Flyers again.

TIMOTHY McVEIGH HAS ONLY ONE RIGHT LEFT

(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, Timothy McVeigh has been convicted of mass murder. A jury will now deliberate whether McVeigh gets life in prison or the death sentence. I say, did McVeigh give any of those 168 innocent victims an opportunity to plea bargain? Did McVeigh give any of those 19 murdered children an opportunity for a life sentence? I ask, did McVeigh in fact give any consideration at all to the innocent victims and the families of those victims? No, Mr. Speaker.

I say that Timothy McVeigh has only one right left. The jury should read Timothy McVeigh his "last rites." Timothy McVeigh should be put to death, period.

Mr. Speaker, an America that allows mass murderers to plea bargain is an America that is turning its back consistently on innocent victims and citizens. I say it is time to stop the record number of graves and cemeteries all over our country.

THOUSANDS OF HIGHER PAYING JOBS: A POSITIVE IMPACT OF THE GAMING INDUSTRY

(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, recently the National Gambling and Impact Policy Commission was formed. I am here today to speak about one of the positive impacts the gaming industry has had on our society.

An article recently published in the Las Vegas Sun illustrates gaming's positive involvement in the important issue of welfare reform. Two of gaming's corporate citizens have been producing thousands of jobs for welfare recipients. These companies have been giving American families the confidence of being able to make ends meet without depending on public assistance.

A recent Arthur Andersen study of gaming establishments in Mississippi, Louisiana, and Illinois disclosed that gaming has had a dramatic role in decreasing public assistance in these areas. According to the study, casino companies and the industries that support them paid $21 billion in wages to more than 700,000 men and women in 1995.

The average casino wage was $26,000 compared to $20,000 in other amusement and recreation sectors, $16,000 in the hotel-motel industry, $22,000 in the motion picture industry. This means that the men and women working in the small casinos to the large mega resorts and riverboats receive better wages and higher-paying jobs in exchange for their hard work.

This is not just a Nevada issue, Mr. Speaker, this is a national issue. I urge Members' support.

IT IS TIME TO PASS THE EMERGENCY SUPPLEMENTAL BILL

(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 more than 2 months since the President sent disaster relief legislation to the Congress, but my colleagues on the other side of the aisle have chosen to dilly-dally, to delay, instead of passing this important bill. They even voted to send the Congress home for 10 days instead of working to get this emergency aid to the families who so desperately need it.

Even worse, the majority has played politics with the disaster relief legislation. Last month they added a poison pill to the bill, a provision that would freeze spending on education and other important budget priorities that in fact help working families in this country. The President has stated that he cannot sign this bill if this provision is included. Yet, the majority has refused to remove it.

It is time to stop playing politics with the lives of American families. It is time to help those victims who are in fact desperately waiting for disaster relief funds. It is time to pass the emergency supplemental bill.

A BALANCED BUDGET AGREEMENT THAT IS DIFFERENT

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

Ms. DUNN. Mr. Speaker, in 1985 a balanced budget deal was agreed to amid great fanfare. In 1990 a balanced budget deal was agreed to amid similar exuberance. In 1993 a balanced budget deal was agreed to that was greeted with more high praise from the liberal media. The budget is still not in balance.

Mr. Speaker, what is it about this balanced budget agreement that is different? First, under a Republican Congress, the economic assumptions are conservative and realistic. Second, this budget includes the strongest step in entitlement reform since our welfare reform proposals of last year. Third, the resolve of the Republican Congress to balance the budget is the strongest this country has seen since 1954.

Conservative economic assumptions, entitlement reforms, and Republican resolve, those are the keys to this balanced budget agreement. That, Mr. Speaker, separates this budget agreement from the failed promises of previous balanced budget deals.

□ 1415

SILVER CHARM

(Mr. DREIER asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. DREIER. Mr. Speaker, from the Los Angeles County Fairgrounds in Pomona to the Santa Anita race track in Arcadia, California's San Gabriel Valley is totally charmed by our Triple Crown contender and favorite son, Silver Charm, but it is owners Bob and Beverly Lewis who have captured our hearts. Their generous spirit of giving is evident throughout southern California. We celebrate with them as their Kentucky Derby and Preakness winner makes his bid to add the final jewel to his crown.

Silver Charm represents the spirit of America. He is a street fighter who rose to the top through sheer hard work, ability and talent. He is what America is all about. We all root for him because in essence he represents us. He has come not from the royal barns of Kentucky but has become a champion in spite of it.

The son of Silver Buck and Bonnie's Poker continues to fascinate us as he heads to the Belmont Stakes.

Mr. Speaker, this Saturday Californians will be very proud as we celebrate our first Triple Crown winner.

ESTATE TAXES

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

Mr. EHLERS. Mr. Speaker, I rise today to say a few words about estate taxes, sometimes called inheritance taxes and more recently referred to as death taxes. This is often designated as a tax on the rich, and some therefore say we should not cut it. But I wish to clarify some of the issues.

Ninety-three percent of the businesses in my area of west Michigan are small businesses, having under 50 employees. Estate taxes, contrary to the public's perception, do not apply just to Bill Gates and others of that sort, but they apply to a majority of the small businesses and farmers in this Nation because, when they die, they have substantial assets in their businesses.

The saying is that farmers are always cash poor but land rich. That is certainly true. And it is unfortunate that today many farmers are not able to pass their farms on to their children. Part of the farm must be sold in order to pay the estate taxes before the farm can be passed on to their children.

Even modest family owned businesses and farms can fall into the range of estate taxable assets, causing great financial hardship. Ironically the truly wealthy families are generally better able to avoid estate tax liability because they can afford to hire experts to reduce their estate taxes, while the small business people and the farmers do not have the money to hire that kind of expertise.

Furthermore, the top estate tax rate of 55 percent is taxing money which has already been taxed, giving a high tax rate of approximately 73 percent.

I believe the estate tax is too high. It is unjust and we should change this so that those who own small businesses and farms can in fact retain them and pass them on to their children upon their death.

CUTTING TAXES

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

Mr. GUTKNECHT. Mr. Speaker, I must say, I get a little irritated when the folks on the other side resort to the only card in their deck: class envy.

Yes, America, the land of class envy.

In the liberal vision, America is not a land of unlimited opportunity, a land where all Americans are encouraged to become as prosperous as their God-given talents and hard work will take them. No; in the liberal vision we do not encourage people to become rich. We must tear them down.

No; in the liberal vision of success, it must not be considered the just rewards of hard work; success must be attacked.

No; in the liberal vision, instead of serving as a spur to your own success, government must expropriate wealth that others have produced.

Mr. Speaker, we reject that liberal vision. Pitting one class against another is destructive, counterproductive and just plain wrong.

Cutting taxes on Americans, rich or poor, is nothing more than the belief that Americans should get to keep more of the wealth that they produce.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. MILLER of Florida) laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in clause 5 of rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on May 30, 1997 at 3:26 p.m. and said to contain a message from the President whereby he notifies the Congress of modifications of duty-free treatment under the Generalized System of Preferences.

With warm regards,

ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

DESIGNATION OF CAMBODIA UNDER GENERALIZED SYSTEM OF PREFERENCES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–88)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

The Generalized System of Preferences (GSP) program offers duty-free treatment to specified products that are imported from designated developing countries. The program is authorized by title V of the Trade Act of 1974, as amended.

Pursuant to title V, I have determined that Cambodia should be designated as a least developed beneficiary developing country under the GSP program because it has taken steps to improve worker rights and the protection of intellectual property. I have also determined, as a result of the 1995 Annual Review of petitions for changes that three products should be added to the GSP list of eligible products and that the competitive need limits on 22 products should be waived. As a result of a review of 1996 imports of GSP products, I have determined that de minimis limits on 79 products be waived and 11 products, whose imports no longer exceed the program's competitive need limits, should be redesignated as GSP eligible. Finally as a result of certain provisions of the legislation enacted in August 1996 reauthorizing GSP, I am granting GSP eligibility to an additional 1,783 articles not previously included under GSP, provided that they are imported directly from the least developed beneficiary developing countries.

This notice is submitted in accordance with the requirements of title V of the Trade Act of 1974.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997.*

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
U.S. HOUSE OF REPRESENTATIVES,
Washington, DC, May 30, 1997.

Hon. NEWT GINGRICH,
The Speaker, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: Pursuant to the permission granted in Clause 5 of Rule III of the Rules of the U.S. House of Representatives. I have the honor to transmit a sealed envelope received from the White House on May 30, 1997 at 3:26 p.m. and said to contain a message from the President whereby he submits

a 6-month periodic report on the national emergency with respect to the former Yugoslavia.

Sincerely,

ROBIN H. CARLE.

REPORT ON NATIONAL EMERGENCY WITH RESPECT TO FORMER YUGOSLAVIA—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–89)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations and ordered to be printed:

To the Congress of the United States:

On May 30, 1992, by Executive Order 12808, President Bush declared a national emergency to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Governments of Serbia and Montenegro, blocking all property and interests in property of those Governments. President Bush took additional measures to prohibit trade and other transactions with the Federal Republic of Yugoslavia (Serbia and Montenegro) by Executive Orders 12810 and 12831, issued on June 5, 1992, and January 15, 1993, respectively.

On April 25, 1993, I issued Executive Order 12846, blocking the property and interests in property of all commercial, industrial, or public utility undertakings or entities organized or located in the Federal Republic of Yugoslavia (Serbia and Montenegro) (the "FRY (S&M)"), and prohibiting trade-related transactions by United States persons involving those areas of the Republic of Bosnia and Herzegovina controlled by the Bosnian Serb forces and the United Nations Protected Areas in the Republic of Croatia. On October 24, 1994, because of the actions and policies of the Bosnian Serbs, I expanded the scope of the national emergency by issuance of Executive Order 12934 to block the property of the Bosnian Serb forces and the authorities in the territory that they control within the Republic of Bosnia and Herzegovina, as well as the property of any entity organized or located in, or controlled by any person in, or resident in, those areas.

On November 22, 1995, the United Nations Security Council passed ("Resolution 1022"), immediately and indefinitely suspending economic sanctions against the FRY (S&M). Sanctions were subsequently lifted by the United Nations Security Council pursuant to Resolution 1074 on October 1, 1996. Resolution 1022, however, continues to provide for the release of funds and assets previously blocked pursuant to sanctions against the FRY (S&M), provided that such funds and assets that are subject to claims and encumbrances, or that are the property of persons deemed insolvent, remain blocked until "released in accordance with applicable law." This provision was implemented in the United States on December 27, 1995, by Presidential Determination No. 96–7. The Determination, in conformity with Resolution 1022, directed the Secretary of the Treasury, *inter alia*, to suspend the application of sanctions imposed on the FRY (S&M) pursuant to the above-referenced Executive orders and to continue to block property previously blocked until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia. This sanctions relief was an essential factor motivating Serbia and Montenegro's acceptance of the General Framework Agreement for Peace in Bosnia and Herzegovina initialed by the parties in Dayton on November 21, 1995 (the "Peace Agreement") and signed in Paris on December 14, 1995. The sanctions imposed on the FRY (S&M) and on the United Nations Protected Areas in the Republic of Croatia were accordingly suspended prospectively, effective January 16, 1996. Sanctions imposed on the Bosnian Serb forces and authorities and on the territory that they control within the Republic of Bosnia and Herzegovina were subsequently suspended prospectively, effective May 10, 1996, in conformity with UNSCR 1022. On October 1, 1996, the United Nations passed UNSCR 1074, terminating U.N. sanctions against the FRY (S&M) and the Bosnian Serbs in light of the elections that took place in Bosnia and Herzegovina on September 14, 1996. UNSCR 1074, however, reaffirms the provisions of UNSCR 1022 with respect to the release of blocked assets, as set forth above.

The present report is submitted pursuant to 50 U.S.C. 1641(c) and 1703(c) and covers the period from November 30, 1996, through May 29, 1997. It discusses Administration actions and expenses directly related to the exercise of powers and authorities conferred by the declaration of a national emergency in Executive Order 12808 as expanded with respect to the Bosnian Serbs in Executive Order 12934, and against the FRY (S&M) contained in Executive Orders 12810, 12831, and 12846.

1. The declaration of the national emergency on May 30, 1992, was made pursuant to the authority vested in the President by the Constitution and laws of the United States, including the International Emergency Economic Powers Act (50 U.S.C. 1701 *et seq.*), the National Emergencies Act (50 U.S.C. 1601 *et seq.*), and section 301 of title 3 of the United States Code. The emergency declaration was reported to the Congress on May 30, 1992, pursuant to section 204(b) of the International Emergency Economic Powers Act (50 U.S.C. 1703(b)) and the expansion of that national emergency under the same authorities was reported to the Congress on October 25, 1994. The additional sanctions set forth in related Executive orders were imposed pursuant to the authority vested in the President by the Constitution and laws of the United States, including the statutes cited above, section 1114 of the Federal Aviation Act (49 U.S.C. App. 1514), and section 5 of the United Nations Participation Act (22 U.S.C. 287c).

2. The Office of Foreign Assets Control (OFAC), acting under authority delegated by the Secretary of the Treasury, implemented the sanctions imposed under the foregoing statutes in the Federal Republic of Yugoslavia (Serbia and Montenegro) and Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina Sanctions Regulations, 31 C.F.R. Part 585 (the "Regulations"). To implement Presidential Determination No. 967, the Regulations were amended to authorize prospectively all transactions with respect to the FRY (S&M) otherwise prohibited (61 FR 1282, January 19, 1996). Property and interests in property of the FRY (S&M) previously blocked within the jurisdiction of the United States remain blocked, in conformity with the Peace Agreement and UNSCR 1022, until provision is made to address claims or encumbrances, including the claims of the other successor states of the former Yugoslavia.

On May 10, 1996, OFAC amended the Regulations to authorize prospectively all transactions with respect to the Bosnian Serbs otherwise prohibited, except with respect to property previously blocked (61 FR 24696, May 16, 1996). On December 4, 1996, OFAC amended Appendices A and B to 31 C.F.R. chapter V, containing the names of entities and individuals in alphabetical order and by location that are subject to the various economic sanctions programs administered by OFAC, to remove the entries for individuals and entities that were determined to be acting for or on behalf of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro). These assets were blocked on the basis of these persons' activities in support of the FRY (S&M)—activities no longer prohibited—not because the Government of the FRY (S&M) or entities located in or controlled from the FRY (S&M) had any interest in those assets (61 FR 64289, December 4, 1996). A copy of the amendment is attached to this report.

On April 18, 1997, the Regulations were amended by adding a new section 585.528, authorizing all transactions after 30 days with respect to the following vessels that remained blocked pursuant to the Regulations, effective at 10:00 a.m. local time in the location

of the vessel on May 19, 1997: the M/V MOSLAVINA, M/V ZETA, M/V LOVCEN, M/V DURMITOR and M/V BAR (a/k/a M/V INVIKEN) (62 FR 19672, April 23, 1997). During the 30-day period, United States persons were authorized to negotiate settlements of their outstanding claims with respect to the vessels with the vessels' owners or agents and were generally licensed to seek and obtain judicial warrants of maritime arrest. If claims remained unresolved 10 days prior to the vessels' unblocking (May 8, 1997), service of the warrants could be effected at that time through the United States Marshal's Office in the district where the vessel was located to ensure that United States creditors of a vessel had the opportunity to assert their claims. Appendix C to 31 CFR, chapter V, containing the names of vessels blocked pursuant to the various economic sanctions programs administered by OFAC (61 FR 32936, June 26, 1996), was also amended to remove these vessels from the list effective May 19, 1997. A copy of the amendment is attached to this report.

3. Over the past year, the Departments of State and the Treasury have worked closely with European Union member states and other U.N. member nations to implement the provisions of UNSCR 1022. In the United States, retention of blocking authority pursuant to the extension of a national emergency provides a framework for administration of an orderly claims settlement. This accords with past policy and practice with respect to the suspension of sanctions regimes.

4. During this reporting period, OFAC issued seven specific licenses regarding transactions pertaining to the FRY (S&M) or assets it owns or controls. Specific licenses have been issued (1) to authorize the unblocking of certain funds and other financial assets previously blocked; (2) for the payment of crews' wages, vessel maintenance, and emergency supplies for FRY (S&M)-controlled ships blocked in the United States; and (3) to authorize performance of certain transactions under presanctions contracts.

During the past 6 months, OFAC has continued to oversee the maintenance of blocked accounts and records with respect to: (1) liquidated tangible assets and personalty of the 15 blocked United States subsidiaries of entities organized in the FRY (S&M); (2) the blocked personalty, files, and records of the two Serbian banking institutions in New York previously placed in secure storage; (3) remaining tangible property, including real estate; and (4) the 5 Yugoslav-owned vessels recently unblocked in the United States.

5. Despite the prospective authorization of transactions with FRY (S&M), OFAC has continued to work closely with the United States Customs Service and other cooperating agencies to investigate alleged violations that occurred while sanctions were in force.

Since my last report, OFAC has collected six civil monetary penalties totaling nearly $39,000 for violations of the sanctions. These violations included prohibited imports, exports, contract dealings, and payments to the Government of the FRY (S&M), persons in the FRY (S&M), or to blocked entities owned or controlled by the FRY (S&M).

6. The expenses incurred by the Federal Government in the 6-month period from November 30, 1996, through May 29, 1997, that are directly attributable to the declaration of a national emergency with respect to the FRY (S&M) and the Bosnian Serb forces and authorities are estimated at approximately $400,000, most of which represents wage and salary costs for Federal personnel. Personnel costs were largely centered in the Department of the Treasury (particularly in OFAC and its Chief Counsel's Office, and the United States Customs Service), the Department of State, the National Security Council, and the Department of Commerce.

7. In the last year and a half, substantial progress has been achieved to bring about a settlement of the conflict in the former Yugoslavia acceptable to the parties. UNSCR 1074 terminates sanctions in view of the first free and fair elections to occur in the Republic of Bosnia and Herzegovina, as provided for in the Peace Agreement. In reaffirming Resolution 1022, however, UNSCR 1074 contemplates the continued blocking of assets potentially subject to conflicting claims and encumbrances until provision is made to address them under applicable law, including claims of the other successor states of the former Yugoslavia.

The resolution of the crisis and conflict in the former Yugoslavia that has resulted from the actions and policies of the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and of the Bosnian Serb forces and the authorities in the territory that they control, will not be complete until such time as the Peace Agreement is implemented and the terms of UNSCR 1022 have been met. Therefore, I have continued for another year the national emergency declared on May 30, 1992, as expanded in scope on October 25, 1994, and will continue to enforce the measures adopted pursuant thereto.

I shall continue to exercise the powers at my disposal with respect to the measures against the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro), and the Bosnian Serb forces, civil authorities, and entities, as long as these measures are appropriate, and will continue to report periodically to the Congress on significant developments pursuant to 50 U.S.C. 1703(c).

WILLIAM J. CLINTON.

THE WHITE HOUSE, *May 30, 1997.*

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 after debate has concluded on all motions to suspend the rules but not before 5 p.m. today.

CONFERRING STATUS AS HONORARY VETERAN ON LESLIE TOWNES (BOB) HOPE

Mr. STUMP. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 75) to confer status as an honorary veteran of the United States Armed Forces on Leslie Townes (Bob) Hope.

The Clerk read as follows:

H.J. RES. 75

Whereas the United States has never before conferred status as an honorary veteran of the United States Armed Forces on an individual, and such status is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas the lifetime of accomplishments and service of Leslie Townes (Bob) Hope on behalf of United States military servicemembers fully justifies the conferring of such status;

Whereas Leslie Townes (Bob) Hope is himself not a veteran, having attempted to enlist in the Armed Forces to serve his country during World War II, but being informed that the greatest service he could provide the Nation was as a civilian entertainer for the troops;

Whereas during, World War II, the Korean Conflict, the Vietnam War, and the Persian Gulf War and throughout the Cold War, Bob Hope traveled to visit and entertain millions of United States servicemembers in numerous countries, on ships at sea, and in combat zones ashore;

Whereas Bob Hope has been awarded the Congressional Gold Medal, the Presidential Medal of Freedom, the Distinguished Service Medal of each of the branches of the Armed Forces, and more than 100 citations and awards from national veterans service organizations and civic and humanitarian organizations; and

Whereas Bob Hope has given unselfishly of his time for over a half century to be with United States servicemembers on foreign shores, working tirelessly to bring a spirit of humor and cheer to millions of servicemembers during their loneliest moments, and thereby extending for the American people a touch of home away from home: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress—

(1) extends its gratitude, on behalf of the American people, to Leslie Townes (Bob) Hope for his lifetime of accomplishments and service on behalf of United States military servicemembers; and

(2) confers upon Leslie Townes (Bob) Hope the status of an honorary veteran of the United States Armed Forces.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS], each will control 20 minutes.

The Chair recognizes the gentleman from Arizona [Mr. STUMP].

GENERAL LEAVE

Mr. STUMP. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the joint resolution under consideration.

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

There was no objection.

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

Mr. Speaker, many consider Bob Hope's most important contribution to American society to be entertaining this Nation's troops overseas. From World War II to the Persian Gulf, Bob Hope performed for millions of American GI's stationed all over the world.

As a Navy enlisted man, I was privileged to attend two of these performances during World War II.

I also had the honor of sharing the stage with Bob Hope and other dignitaries in 1995 in Honolulu at the Waikiki Shell to commemorate the 50th anniversary of V–J Day.

The U.S. Navy recently dedicated the USNS *Bob Hope* (T–AKR 300), the lead ship in a new class of strategic sealift vessels.

On April 22d, the Air Force dedicated its newest C–17 Globemaster III aircraft in the name of Bob Hope in honor of his contributions to the Air Force.

Bob Hope has truly earned for himself the finest title this country can bestow, that of "honorary veteran."

Mr. Speaker, we have over 280 cosponsors on this resolution. I would like to commend the gentleman from Illinois [Mr. EVANS], ranking minority member of the full committee, for his support and cooperation on this resolution.

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

I want to commend the gentleman from Arizona [Mr. STUMP], chairman of the Committee on Veterans' Affairs. As a result of his efforts, he has put this resolution on a fast track, and it is an important piece of legislation and overdue, I think, in terms of recognizing the contributions of Bob Hope. I salute him for his leadership on this measure and was pleased to join him as a cosponsor of this legislation we originally introduced.

Perhaps more than any other person, Bob Hope has done more to lift the spirits of men and women in uniform when those spirits needed to be raised the most. On behalf of the countless service men and women who Bob Hope has entertained throughout his long and distinguished career, we say to Bob Hope, thanks for the memories and for a job well done.

The honor bestowed on Bob Hope by House Joint Resolution 75 is well deserved. I look forward to favorable consideration of this resolution by our colleagues.

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

Mr. STUMP. Mr. Speaker, I yield such time as he may consume to the gentleman from California [Mr. DREIER].

Mr. DREIER. Mr. Speaker, I thank the distinguished chairman of the committee for yielding me the time, and I congratulate both the chairman and ranking minority member for moving forward with this very appropriate legislation.

Last Thursday night in Los Angeles, a wonderful birthday tribute was held for Bob Hope as he marked his 94th birthday. It seems to me that this legislation is very fitting right on the heels of that important celebration.

When one thinks of the name of Bob Hope, for me the first word that comes to mind is patriot. That is why bestowing on him this title of being an honorary veteran is very, very apropos. He has spent countless days and very important days, holidays, away from his family to entertain our troops during very difficult times in our Nation's history. It seems to me when we think about the kinds of sacrifices that he has made, they clearly do certainly establish very, very good justification for Bob Hope to be named as a veteran of the armed services.

Mr. Speaker, I have considered Bob Hope and his wonderful wife Dolores and his son Tony and others in his family very good friends. They have homes in both Los Angeles and in the Palm Springs area and are very active in the community in southern California. We are happy to, first of all, mark his 94th birthday and wish him many more to come and to congratulate the gentleman from Arizona [Mr. STUMP] and the gentleman from Illinois [Mr. EVANS] for moving forward with this very important and well-deserved legislation.

Mr. BONO. Mr. Speaker, I rise today in support of House Joint Resolution 75, and to speak on behalf of my constituent and friend, Mr. Leslie Townes Hope or, as he is known to everyone worldwide, Bob Hope.

Virtually everyone is aware that Bob Hope has, for many years, been America's greatest "veteran" showman, performing countless times for our troops throughout the world. No matter how far away, or how dangerous the conditions, Bob Hope made sure that our service personnel had the chance to enjoy an entertaining show, and, at least for a brief time, a respite from the horror of war or drudgery of duty.

Although he was not born in America, Mr. Hope is as American as apple pie and forever linked to the glamour of the golden era of Hollywood and the American GI. While the honors and accolades for Bob Hope are as countless as the shows he performed for our troops, I want to mention just a few of the awards he has received. For his humanitarian work he was awarded the Congressional Gold Medal and the Presidential Medal of Freedom. As an entertainer he was awarded a Presidential Medal of the Arts. His honorary degrees and awards would consume pages of this record. The U.S. Navy has dedicated a ship the USNS *Bob Hope*, and the U.S. Air Force has named its newest C–17 *Globemaster III* in his honor.

As an entertainer Bob Hope is a legendary figure. But his greatest legacy will be carried in the memories of those American sons and daughters who faced adversity far from home and found a few hours of refuge in the USO tours headed by Bob Hope. Bob Hope gave our troops the gift of humor, reminding us all that one of our greatest assets in facing adversity is a sense of humor. No matter, the conditions, Bob Hope came through for our troops. His tours and annual Christmas show, performed in more than 40 countries during the past quarter century brought a piece of home to millions of American service personnel.

The time has come to give Bob Hope our thanks for his selfless commitment to our troops. Veteran groups, members of the Armed Forces, Members of Congress, and the American people have joined together to recognize Bob Hope as the first honorary veteran of the U.S. Armed Forces. I urge all my colleagues to join in this fitting tribute to a great man—Bob Hope.

Mr. KUCINICH. Mr. Speaker, I rise to honor Bob Hope, world renowned entertainer, humanitarian, and Clevelander.

Bob Hope started his entertainment career in the great vaudeville era with Fatty Arbuckle. He made his broadway debut in "Roberta," by Jerome Kern. He succeeded again with "Ziegfield Follies" and "Red, Hot and Blue." Then he starred in movies, such as "Thanks for the Memory."

Bob Hope warmed the hearts of Americans through his commitment to raising the spirits of U.S. troops. He traveled the world, to wherever U.S. troops were stationed. Always self-deprecating, he said of himself, "I still have the same rank I've always had—chicken, first class."

Bob Hope is a very successful businessman. He invested his show business earnings wisely, generating considerable wealth. Bob Hope is also a very generous man. His foundation regularly gives away half a million dollars per year to worthy education and health care projects. He has shown deep commitment to Catholic agencies and churches.

Mr. Speaker, Bob Hope is a great American. To Bob, his lovely wife Dolores and their entire family, I wish them continued happiness.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I thank the ranking member of the committee for his help. I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona [Mr. STUMP] that the House suspend the rules and pass the joint resolution, House Joint Resolution 75.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

ESTABLISHING A COMMISSION ON STRUCTURAL ALTERNATIVES FOR FEDERAL COURTS OF APPEAL

Mr. COBLE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 908) to establish a Commission on Structural Alternatives for the Federal Courts of Appeals, as amended.

The Clerk read as follows:

H.R. 908

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

SECTION 1. ESTABLISHMENT AND FUNCTIONS OF COMMISSION.

(a) ESTABLISHMENT.—There is established a Commission on Structural Alternatives for the Federal Courts of Appeals (hereinafter referred to as the "Commission").

(b) FUNCTIONS.—The functions of the Commission shall be to—

(1) study the present division of the United States into the several judicial circuits;

(2) study the structure and alignment of the Federal Court of Appeals system, with particular reference to the Ninth Circuit; and

(3) report to the President and the Congress its recommendations for such changes in circuit boundaries or structure as may be appropriate for the expeditious and effective disposition of the caseload of the Federal Courts of Appeals, consistent with fundamental concepts of fairness and due process.

SEC. 2. MEMBERSHIP.

(a) COMPOSITION.—The Commission shall be composed of 10 members appointed as follows:

(1) One member appointed by the President of the United States.

(2) One member appointed by the Chief Justice of the United States.

(3) Two members appointed by the Majority Leader of the Senate.

(4) Two members appointed by the Minority Leader of the Senate.

(5) Two members appointed by the Speaker of the House of Representatives.

(6) Two members appointed by the Minority Leader of the House of Representatives.

(b) APPOINTMENT.—The members of the Commission shall be appointed within 60 days after the date of the enactment of this Act.

(c) VACANCY.—Any vacancy in the Commission shall be filled in the same manner as the original appointment.

(d) CHAIR.—The Commission shall elect a Chair and Vice Chair from among its members.

(e) QUORUM.—Six members of the Commission shall constitute a quorum, but 3 may conduct hearings.

SEC. 3. COMPENSATION.

(a) IN GENERAL.—Members of the Commission who are officers, or full-time employees, of the United States shall receive no additional compensation for their services, but shall be reimbursed for travel, subsistence, and other necessary expenses incurred in the performance of duties vested in the Commission, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

(b) PRIVATE MEMBERS.—Members of the Commission from private life shall receive $200 for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission, plus reimbursement for travel, subsistence, and other necessary expenses incurred in the performance of such duties, but not in excess of the maximum amounts authorized under section 456 of title 28, United States Code.

SEC. 4. PERSONNEL.

(a) EXECUTIVE DIRECTOR.—The Commission may appoint an Executive Director who shall receive compensation at a rate not exceeding the rate prescribed for level V of the Executive Schedule under section 5316 of title 5, United States Code.

(b) STAFF.—The Executive Director, with the approval of the Commission, may appoint and fix the compensation of such additional personnel as the Executive Director determines necessary, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service or the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates. Compensation under this subsection shall not exceed the annual maximum rate of basic pay for a position above GS–15 of the General Schedule under section 5108 of title 5, United States Code.

(c) EXPERTS AND CONSULTANTS.—The Executive Director may procure personal services of experts and consultants as authorized by section 3109 of title 5, United States Code, at rates not to exceed the highest level payable under the General Schedule pay rates under section 5332 of title 5, United States Code.

(d) SERVICES.—The Administrative Office of the United States Courts shall provide administrative services, including financial and budgeting services to the Commission on a reimbursable basis. The Federal Judicial Center shall provide necessary research services to the Commission on a reimbursable basis

SEC. 5. INFORMATION.

The Commission is authorized to request from any department, agency, or independent instrumentality of the Government any information and assistance the Commission determines necessary to carry out its functions under this Act. Each such department, agency, and independent instrumentality is authorized to provide such information and assistance to the extent permitted by law when requested by the Chair of the Commission.

SEC. 6. REPORT.

No later than 18 months following the date on which its sixth member is appointed in accordance with section 2(b), the Commission shall submit its report to the President and the Congress. The Commission shall terminate 90 days after the date of the submission of its report.

SEC. 7. CONGRESSIONAL CONSIDERATION.

No later than 60 days after the submission of the report, the Committees on the Judiciary of the House of Representatives and the Senate shall act on the report.

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Commission such sums, not to exceed $900,000, as may be necessary to carry out the purposes of this Act. Such sums as are appropriated shall remain available until expended.

The SPEAKER pro tempore. Pursuant to the rule the gentleman from North Carolina [Mr. COBLE] and the gentlewoman from California [Ms. LOFGREN], each will control 20 minutes.

The Chair recognizes the gentleman from North Carolina [Mr. COBLE].

GENERAL LEAVE

Mr. COBLE. 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 North Carolina?

There was no objection.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume, and I rise in support of H.R. 908, a bill to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

An amended version of this bill is presented for passage under suspension of the rules. The amendment to the reported bill makes the following changes:

It reduces the time established in the bill, as introduced, in which the commission must come to a conclusion to 18 months from the appointment of the sixth member of the commission as opposed to 2 years from enactment.

Second, due to the reduction in time, funding for the commission is reduced from $1.3 million to $900,000, $500,000 of which has already been appropriated.

And third, the size of the commission will be reduced from 12 members to 10 members with 2 members being appointed by each of the majority leader of the Senate, the minority leader of the Senate, the Speaker of the House, and the minority leader of the House. Additionally the President and the Chief Justice of the Supreme Court will appoint one member each.

H.R. 908 was introduced in response to recurring attempts to divide the largest of the Federal judicial circuits, the ninth.

□ 1430

However, if properly implemented, the commission proposal represents a sound approach to a problem of national concern, and that is the explosive growth in the caseload of all of the courts of appeals.

The time is right, it seems to me, for a careful, objective study aimed at determining whether that structure can adequately serve the needs of the 21st century. The task of the commission would be to carry out that study.

The proposed commission would be the first of its kind since the Commission on Revision of the Federal Court Appellate System, also known as the Hruska Commission, which completed

its work in 1975, or more than two decades ago. Needless to say, dramatic changes have taken place in the work of the Federal courts in those two decades, but there have been no structural alterations except for the division of the old fifth circuit and the creation of the Court of Appeals for the Federal Circuit.

As I have indicated, under the amended version of H.R. 908, the commission will have 18 months to carry out its work. It also includes a requirement that the initial appointments to the commission be made within 60 days of the date of enactment. That will help to assure that the process will not be delayed unduly. The study is a responsible method to evaluate any prospective split in the ninth circuit and is generally overdue.

Now, Mr. Speaker, I want to add as well that this is not to be exclusively restricted to the ninth circuit. This commission, hopefully, will examine the entire system and come back with a recommendation that the commission deems appropriate.

Many people have been involved in this. We have compromised here and there. It was initially designed to be a 2-year study. That has been reduced to 18 months. So many people have given and taken on this, and I think it is, in its present form, a good bill and I urge its passage.

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

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

H.R. 908, as the chairman has just outlined, creates a commission to study the structural alternatives for the Federal appellate court system. With the expanding caseload in our Federal courts, there is concern throughout the Nation and in the circuits, and nowhere has that concern been greater than in the ninth circuit, composed of my home State of California, as well as the States of Oregon, Washington, Idaho, Montana, Nevada, Arizona, Alaska, and Hawaii.

As the chairman has mentioned, increases in the number of filings in the Federal courts have greatly outpaced the growth in the Federal judiciary and has greatly enlarged the caseload of each judge, often to more than manageable levels. As we approach the next century, I think it is entirely appropriate to examine the structure of the Federal judiciary, and I strongly support this legislation.

While it is true that the initial impetus for this bill were proposals to split the ninth circuit, the proposed commission actually has a broader mandate, as the chairman has just outlined, than studying the ninth circuit. In fact, as we enter the 21st century, we need to take a look at the entire range of possibilities.

Certainly the commission could make a recommendation to split one of the circuits, to reconfigure the circuits and the Congress could follow the Commission's recommendation or be free to choose another alternative. But whatever we intend to do, I know that we will be better off with the expert advice that this commission will provide to us. It is always better to have good, thoughtful, expert advice than to simply move forward, especially in dealing with the judiciary.

So I am happy to join the chairman of the committee and my colleagues on the Committee on the Judiciary in urging support for the passage of this bill.

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

Mr. COBLE. Mr. Speaker, I yield such time as he may consume to the gentleman from Illinois [Mr. HYDE], the chairman of the House Committee on the Judiciary.

Mr. HYDE. Mr. Speaker, I thank the gentleman for yielding me this time. I am strongly in support of H.R. 908. It was reported unanimously by the Committee on the Judiciary and addresses in a comprehensive manner and in a bipartisan manner some of the concerns that exist about the Federal court system.

This bill creates a Commission on Structural Alternatives for the Federal Courts of Appeals. In 1990, the Federal Courts Study Committee that had been created by statute in 1988 concluded the appellate courts were experiencing a crisis of volume. The study committee expressed the view that—

> Within as few as 5 years, the Nation would have to decide whether or not to abandon the present circuit structure in favor of an alternative structure that might better organize the more numerous appellate judges needed to grapple with the swollen caseload.

The committee's report presented several structural alternatives, but did not endorse any of them. Instead, it called for further inquiry and discussion. The proposed commission would thus take up where the Federal Court Study Committee left off.

It is important to note that recent statistics reflect the fact that in fiscal 1996, the number of appeals filed in the 12 regional courts of appeals rose 4 percent to 51,991. This is an all-time high in filings, with eight circuits reporting increases. Clearly, this study the committee proposed in H.R. 908 could not be more timely.

The goal of the commission will be to study the entire Federal appellate court system, but, of course, with a particular view toward addressing the problems facing the largest and most diverse circuit we have, the ninth. The bipartisan structure of the commission is designed to guarantee a fair process, give credibility to the commission's recommendations and ensure the integrity of the Federal court system. We cannot subject something as important as the structure of our courts to political gamesmanship or predetermine the commission's recommendations.

Problems do exist in the size and makeup of the ninth circuit, and the committee is convinced that the commission established in this bill will examine these problems in an equitable fashion. The study called for in H.R. 908 is a responsible method to evaluate the structure of the Federal appellate courts and make recommendations that can provide a sound foundation for congressional action in the future, and so I strongly urge my colleagues to vote in favor of H.R. 908.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I want to thank my good friend, the gentleman from North Carolina [Mr. COBLE], for yielding me this time and for working so hard. I do believe I had something to do with this working on a compromise between the gentleman from Montana [Mr. HILL], and of course the chairman of the committee itself.

I strongly support H.R. 908, but I want to talk about the ninth circuit itself. It is an empire. A lot of people do not understand this. It covers a land mass the size of Western Europe, including nine States and two territories. It serves over 15 million people, more than our largest city, larger than New York or Los Angeles. It is a monstrous responsibility, and it is a court that is overburdened at this time.

If I can say another thing about Alaska. Sometimes I think one of the reasons it is overburdened is they take cases that mean very little. We have a highway that we would like to extend 2½ miles, that everybody agrees with in the State of Alaska, including the State itself and all those people in the small community, with a railroad that goes through a tunnel at this time. And because the trustees of Alaska filed a suit, the ninth circuit decided to hold up construction for 6 months.

Now, this is an example of a court being out of touch with the people of America and the people they represent. Not judicially. They had to review.

So I suggest one thing. I would like to split the court. This bill does not do that. I am the extreme. I think the court should be split at this time so it serves the people as a whole, not to guard massive cities. But I cannot do this.

So this bill right now is a compromise to set up the commission to establish what I think they will find out, that I am correct, that the court should be split. It is the right thing, and I urge the passage of this legislation.

Mr. COBLE. Mr. Speaker, I yield 2 minutes to the gentleman from Montana [Mr. HILL].

Mr. HILL. Mr. Speaker, I rise today in strong support of House Resolution 908, and I want to thank particularly the gentleman from Illinois [Mr. HYDE] and the gentleman from North Carolina [Mr. COBLE] and their staffs for

their work in bringing this revised version of House Resolution 908 to the floor. I especially want to thank the gentleman from North Carolina for accommodating my concerns and the people of Montana.

Mr. Speaker, justice delayed is justice denied. We need to study the problems of the Ninth Circuit Court and address the concerns that Montanans have expressed to me, that they are not obtaining the same level of judicial consideration as residents of other circuits.

Considering the size of the circuit, the Ninth Circuit is comprised not only of Montana but eight other States and two principalities. The Ninth Circuit Court is about twice the size of the next circuit court in both population and geography. The caseload is among the highest. It is the fastest growing area of the Nation and the time to complete an average appeal is more than 14 months, which is 4 months longer than the national average. Its 28 judges are about twice the recommended number for an appellate court.

Mr. Speaker, I have worked hard and will continue to work with other Members of Congress to address this problem. The sooner we study the problems of the Ninth Circuit Court, the sooner Montanans' justice will be neither denied nor delayed.

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

Mr. Speaker, I am pleased that although there may be at this point different hunches on how we are going to go, there is unanimity that this bill before us today should be supported and will yield good and thoughtful answers to the Congress as we struggle to make our appellate court system work very well for all Americans.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. COBLE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentleman from North Carolina [Mr. COBLE] that the House suspend the rules and pass the bill, H.R. 908, 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.

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

Mr. YOUNG of Alaska. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1420) 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, as amended.

The Clerk read as follows:

H.R. 1420

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

SECTION 1. SHORT TITLE; REFERENCES.

(a) SHORT TITLE.—This Act may be cited as the "National Wildlife Refuge System Improvement Act of 1997".

(b) REFERENCES.—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 provision of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd et seq.).

SEC. 2. FINDINGS.

The Congress finds the following:

(1) The National Wildlife Refuge System is comprised of over 92,000,000 acres of Federal lands that have been incorporated within 509 individual units located in all 50 States and the territories of the United States.

(2) The System was created to conserve fish, wildlife, and plants and their habitats and this conservation mission has been facilitated by providing Americans opportunities to participate in compatible wildlife-dependent recreation, including fishing and hunting, on System lands and to better appreciate the value of and need for fish and wildlife conservation.

(3) The System serves a pivotal role in the conservation of migratory birds, anadromous and interjurisdictional fish, marine mammals, endangered and threatened species, and the habitats on which these species depend.

(4) The System assists in the fulfillment of important international treaty obligations of the United States with regard to fish, wildlife, and plants and their habitats.

(5) The System includes lands purchased not only through the use of tax dollars but also through the proceeds from sales of Duck Stamps and national wildlife refuge entrance fees. It is a System that is financially supported by those benefiting from and utilizing it.

(6) When managed in accordance with principles of sound fish and wildlife management and administration, fishing, hunting, wildlife observation, and environmental education in national wildlife refuges have been and are expected to continue to be generally compatible uses.

(7) On March 25, 1996, the President issued Executive Order 12996, which recognized "compatible wildlife-dependent recreational uses involving hunting, fishing, wildlife observation and photography, and environmental education and interpretation as priority public uses of the Refuge System".

(8) Executive Order 12996 is a positive step and serves as the foundation for the permanent statutory changes made by this Act.

SEC. 3. DEFINITIONS.

(a) IN GENERAL.—Section 5 (16 U.S.C. 668ee) is amended to read as follows:

"SEC. 5. DEFINITIONS.

"For purposes of this Act:

"(1) The term 'compatible use' means a use of a refuge that, in the sound professional judgment of the Director, will not materially interfere with or detract from the fulfillment of the mission of the System or the purposes of the refuge.

"(2) The terms 'wildlife-dependent recreation' and 'wildlife-dependent recreational use' mean a use of a refuge involving hunting, fishing, wildlife observation and photography, or environmental education and interpretation.

"(3) The term 'sound professional judgment' means a finding, determination, or decision that is consistent with principles of sound fish and wildlife management and administration, available science and resources, and adherence to the requirements of this Act and other applicable laws.

"(4) The terms 'conserving', 'conservation', 'manage', 'managing', and 'management', mean to sustain and, where appropriate, restore and enhance, healthy populations of fish, wildlife, and plants utilizing, in accordance with applicable Federal and State laws, methods and procedures associated with modern scientific resource programs. Such methods and procedures include, consistent with the provisions of this Act, protection, research, census, law enforcement, habitat management, propagation, live trapping and transplantation, and regulated taking.

"(5) The term 'Coordination Area' means a wildlife management area that is made available to a State—

"(A) by cooperative agreement between the United States Fish and Wildlife Service and a State agency having control over wildlife resources pursuant to section 4 of the Fish and Wildlife Coordination Act (16 U.S.C. 664); or

"(B) by long-term leases or agreements pursuant to title III of the Bankhead-Jones Farm Tenant Act (50 Stat. 525; 7 U.S.C. 1010 et seq.).

"(6) The term 'Director' means the Director of the United States Fish and Wildlife Service or a designee of that Director.

"(7) The terms 'fish', 'wildlife', and 'fish and wildlife' mean any wild member of the animal kingdom whether alive or dead, and regardless of whether the member was bred, hatched, or born in captivity, including a part, product, egg, or offspring of the member.

"(8) The term 'person' means any individual, partnership, corporation, or association.

"(9) The term 'plant' means any member of the plant kingdom in a wild, unconfined state, including any plant community, seed, root, or other part of a plant.

"(10) The terms 'purposes of the refuge' and 'purposes of each refuge' mean the purposes specified in or derived from the law, proclamation, executive order, agreement, public land order, donation document, or administrative memorandum establishing, authorizing, or expanding a refuge, refuge unit, or refuge subunit.

"(11) The term 'refuge' means a designated area of land, water, or an interest in land or water within the System, but does not include Coordination Areas.

"(12) The term 'Secretary' means the Secretary of the Interior.

"(13) The terms 'State' and 'United States' mean the several States of the United States, Puerto Rico, American Samoa, the Virgin Islands, Guam, and the territories and possessions of the United States.

"(14) The term 'System' means the National Wildlife Refuge System designated under section 4(a)(1).

"(15) The terms 'take', 'taking', and 'taken' mean to pursue, hunt, shoot, capture, collect, or kill, or to attempt to pursue, hunt, shoot, capture, collect, or kill.".

(b) CONFORMING AMENDMENT.—Section 4 (16 U.S.C. 668dd) is amended by striking "Secretary of the Interior" each place it appears and inserting "Secretary".

SEC. 4. MISSION OF THE SYSTEM.

Section 4(a) (16 U.S.C. 668dd(a)) is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (5) and (6), respectively;

(2) in clause (i) of paragraph (6) (as so redesignated), by striking "paragraph (2)" and inserting "paragraph (5)"; and

(3) by inserting after paragraph (1) the following new paragraph:

"(2) The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.".

SEC. 5. ADMINISTRATION OF THE SYSTEM.

(a) ADMINISTRATION GENERALLY.—Section 4(a) (16 U.S.C. 668dd(a)), as amended by section 4 of this Act, is further amended by inserting after new paragraph (2) the following new paragraphs:

"(3) With respect to the System, it is the policy of the United States that—

"(A) each refuge shall be managed to fulfill the mission of the System, as well as the specific purposes for which that refuge was established;

"(B) compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the System, directly related to the mission of the System and the purposes of many refuges, and which generally fosters refuge management and through which the American public can develop an appreciation for fish and wildlife;

"(C) compatible wildlife-dependent recreational uses are the priority general public uses of the System and shall receive priority consideration in refuge planning and management; and

"(D) when the Secretary determines that a proposed wildlife-dependent recreational use is a compatible use within a refuge, that activity should be facilitated, subject to such restrictions or regulations as may be necessary, reasonable, and appropriate.

"(4) In administering the System, the Secretary shall—

"(A) provide for the conservation of fish, wildlife, and plants, and their habitats within the System;

"(B) ensure that the biological integrity, diversity, and environmental health of the System are maintained for the benefit of present and future generations of Americans;

"(C) plan and direct the continued growth of the System in a manner that is best designed to accomplish the mission of the System, to contribute to the conservation of the ecosystems of the United States, to complement efforts of States and other Federal agencies to conserve fish and wildlife and their habitats, and to increase support for the System and participation from conservation partners and the public;

"(D) ensure that the mission of the System described in paragraph (2) and the purposes of each refuge are carried out, except that if a conflict exists between the purposes of a refuge and the mission of the System, the conflict shall be resolved in a manner that first protects the purposes of the refuge, and, to the extent practicable, that also achieves the mission of the System;

"(E) ensure effective coordination, interaction, and cooperation with owners of land adjoining refuges and the fish and wildlife agency of the States in which the units of the System are located;

"(F) assist in the maintenance of adequate water quantity and water quality to fulfill the mission of the System and the purposes of each refuge;

"(G) acquire, under State law, water rights that are needed for refuge purposes;

"(H) recognize compatible wildlife-dependent recreational uses as the priority general public uses of the System through which the American public can develop an appreciation for fish and wildlife;

"(I) ensure that opportunities are provided within the System for compatible wildlife-dependent recreational uses;

"(J) ensure that priority general public uses of the System receive enhanced consideration over other general public uses in planning and management within the System;

"(K) provide increased opportunities for families to experience compatible wildlife-dependent recreation, particularly opportunities for parents and their children to safely engage in traditional outdoor activities, such as fishing and hunting;

"(L) continue, consistent with existing laws and interagency agreements, authorized or permitted uses of units of the System by other Federal agencies, including those necessary to facilitate military preparedness; and

"(M) ensure timely and effective cooperation and collaboration with Federal agencies and State fish and wildlife agencies during the course of acquiring and managing refuges.".

(b) POWERS.—Section 4(b) (16 U.S.C. 668dd(b)) is amended—

(1) in the matter preceding paragraph (1) by striking "authorized—" and inserting "authorized to take the following actions:";

(2) in paragraph (1) by striking "to enter" and inserting "Enter";

(3) in paragraph (2)—

(A) by striking "to accept" and inserting "Accept"; and

(B) by striking ", and" and inserting a period;

(4) in paragraph (3) by striking "to acquire" and inserting "Acquire"; and

(5) by adding at the end the following new paragraphs:

"(4) Subject to standards established by and the overall management oversight of the Director, and consistent with standards established by this Act, to enter into cooperative agreements with State fish and wildlife agencies for the management of programs on a refuge.

"(5) Issue regulations to carry out this Act.".

SEC. 6. COMPATIBILITY STANDARDS AND PROCEDURES.

Section 4(d) (16 U.S.C. 668dd(d)) is amended by adding at the end the following new paragraphs:

"(3)(A)(i) Except as provided in clause (iv), the Secretary shall not initiate or permit a new use of a refuge or expand, renew, or extend an existing use of a refuge, unless the Secretary has determined that the use is a compatible use and that the use is not inconsistent with public safety. The Secretary may make the determinations referred to in this paragraph for a refuge concurrently with development of a conservation plan under subsection (e).

"(ii) On lands added to the System after March 25, 1996, the Secretary shall identify, prior to acquisition, withdrawal, transfer, reclassification, or donation of any such lands, existing compatible wildlife-dependent recreational uses that the Secretary determines shall be permitted to continue on an interim basis pending completion of the comprehensive conservation plan for the refuge.

"(iii) Wildlife-dependent recreational uses may be authorized on a refuge when they are compatible and not inconsistent with public safety. Except for consideration of consistency with State laws and regulations as provided for in subsection (m), no other determinations or findings are required to be made by the refuge official under this Act or the Refuge Recreation Act for wildlife-dependent recreation to occur.

"(iv) Compatibility determinations in existence on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997 shall remain in effect until and unless modified.

"(B) Not later than 24 months after the date of the enactment of the National Wildlife Refuge System Improvement Act of 1997, the Secretary shall issue final regulations establishing the process for determining under subparagraph (A) whether a use of a refuge is a compatible use. These regulations shall—

"(i) designate the refuge official responsible for making initial compatibility determinations;

"(ii) require an estimate of the timeframe, location, manner, and purpose of each use;

"(iii) identify the effects of each use on refuge resources and purposes of each refuge;

"(iv) require that compatibility determinations be made in writing;

"(v) provide for the expedited consideration of uses that will likely have no detrimental effect on the fulfillment of the purposes of a refuge or the mission of the System;

"(vi) provide for the elimination or modification of any use as expeditiously as practicable after a determination is made that the use is not a compatible use;

"(vii) require, after an opportunity for public comment, reevaluation of each existing use, other than those uses specified in clause (viii), if conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than once every 10 years, to ensure that the use remains a compatible use;

"(viii) require, after an opportunity for public comment, reevaluation of each compatible wildlife-dependent recreational use when conditions under which the use is permitted change significantly or if there is significant new information regarding the effects of the use, but not less frequently than in conjunction with each preparation or revision of a conservation plan under subsection (e) or at least every 15 years, whichever is earlier; and

"(ix) provide an opportunity for public review and comment on each evaluation of a use, unless an opportunity for public review and comment on the evaluation of the use has already been provided during the development or revision of a conservation plan for the refuge under subsection (e) or has otherwise been provided during routine, periodic determinations of compatibility for wildlife-dependent recreational uses.

"(4) The provisions of this Act relating to determinations of the compatibility of a use shall not apply to—

"(A) overflights above a refuge; and

"(B) activities authorized, funded, or conducted by a Federal agency (other than the United States Fish and Wildlife Service) which has primary jurisdiction over a refuge or a portion of a refuge, if the management of those activities is in accordance with a memorandum of understanding between the Secretary or the Director and the head of the Federal agency with primary jurisdiction

over the refuge governing the use of the refuge.".

SEC. 7. REFUGE CONSERVATION PLANNING PROGRAM.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is amended—

(1) by redesignating subsections (e) through (i) as subsections (f) through (j), respectively; and

(2) by inserting after subsection (d) the following new subsection:

"(e)(1)(A) Except with respect to refuge lands in Alaska (which shall be governed by the refuge planning provisions of the Alaska National Interest Lands Conservation Act (16 U.S.C. 3101 et seq.)), the Secretary shall—

"(i) propose a comprehensive conservation plan for each refuge or related complex of refuges (referred to in this subsection as a 'planning unit') in the System;

"(ii) publish a notice of opportunity for public comment in the Federal Register on each proposed conservation plan;

"(iii) issue a final conservation plan for each planning unit consistent with the provisions of this Act and, to the extent practicable, consistent with fish and wildlife conservation plans of the State in which the refuge is located; and

"(iv) not less frequently than 15 years after the date of issuance of a conservation plan under clause (iii) and every 15 years thereafter, revise the conservation plan as may be necessary.

"(B) The Secretary shall prepare a comprehensive conservation plan under this subsection for each refuge within 15 years after the date of enactment of the National Wildlife Refuge System Improvement Act of 1997.

"(C) The Secretary shall manage each refuge or planning unit under plans in effect on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997, to the extent such plans are consistent with this Act, until such plans are revised or superseded by new comprehensive conservation plans issued under this subsection.

"(D) Uses or activities consistent with this Act may occur on any refuge or planning unit before existing plans are revised or new comprehensive conservation plans are issued under this subsection.

"(E) Upon completion of a comprehensive conservation plan under this subsection for a refuge or planning unit, the Secretary shall manage the refuge or planning unit in a manner consistent with the plan and shall revise the plan at any time if the Secretary determines that conditions that affect the refuge or planning unit have changed significantly.

"(2) In developing each comprehensive conservation plan under this subsection for a planning unit, the Secretary, acting through the Director, shall identify and describe—

"(A) the purposes of each refuge comprising the planning unit;

"(B) the distribution, migration patterns, and abundance of fish, wildlife, and plant populations and related habitats within the planning unit;

"(C) the archaeological and cultural values of the planning unit;

"(D) such areas within the planning unit that are suitable for use as administrative sites or visitor facilities;

"(E) significant problems that may adversely affect the populations and habitats of fish, wildlife, and plants within the planning unit and the actions necessary to correct or mitigate such problems; and

"(F) opportunities for compatible wildlife-dependent recreational uses.

"(3) In preparing each comprehensive conservation plan under this subsection, and any revision to such a plan, the Secretary, acting through the Director, shall, to the maximum extent practicable and consistent with this Act—

"(A) consult with adjoining Federal, State, local, and private landowners and affected State conservation agencies; and

"(B) coordinate the development of the conservation plan or revision with relevant State conservation plans for fish and wildlife and their habitats.

"(4)(A) In accordance with subparagraph (B), the Secretary shall develop and implement a process to ensure an opportunity for active public involvement in the preparation and revision of comprehensive conservation plans under this subsection. At a minimum, the Secretary shall require that publication of any final plan shall include a summary of the comments made by States, owners of adjacent or potentially affected land, local governments, and any other affected persons, and a statement of the disposition of concerns expressed in those comments.

"(B) Prior to the adoption of each comprehensive conservation plan under this subsection, the Secretary shall issue public notice of the draft proposed plan, make copies of the plan available at the affected field and regional offices of the United States Fish and Wildlife Service, and provide opportunity for public comment.".

SEC. 8. EMERGENCY POWER; STATE AUTHORITY; WATER RIGHTS; COORDINATION.

(a) IN GENERAL.—Section 4 (16 U.S.C. 668dd) is further amended by adding at the end the following new subsections:

"(k) Notwithstanding any other provision of this Act, the Secretary may temporarily suspend, allow, or initiate any activity in a refuge in the System if the Secretary determines it is necessary to protect the health and safety of the public or any fish or wildlife population.

"(l) Nothing in this Act shall be construed to authorize the Secretary to control or regulate hunting or fishing of fish and resident wildlife on lands or waters that are not within the System.

"(m) Nothing in this Act shall be construed as affecting the authority, jurisdiction, or responsibility of the several States to manage, control, or regulate fish and resident wildlife under State law or regulations in any area within the System. Regulations permitting hunting or fishing of fish and resident wildlife within the System shall be, to the extent practicable, consistent with State fish and wildlife laws, regulations, and management plans.

"(n)(1) Nothing in this Act shall—

"(A) create a reserved water right, express or implied, in the United States for any purpose;

"(B) affect any water right in existence on the date of enactment of the National Wildlife Refuge System Improvement Act of 1997; or

"(C) affect any Federal or State law in existence on the date of the enactment of the National Wildlife Refuge System Improvement Act of 1997 regarding water quality or water quantity.

"(2) Nothing in this Act shall diminish or affect the ability to join the United States in the adjudication of rights to the use of water pursuant to the McCarran Act (43 U.S.C. 666).

"(o) Coordination with State fish and wildlife agency personnel or with personnel of other affected State agencies pursuant to this Act shall not be subject to the Federal Advisory Committee Act (5 U.S.C. App.).".

(b) CONFORMING AMENDMENT.—Section 4(c) (16 U.S.C. 668dd(c)) is amended by striking the last sentence.

SEC. 9. STATUTORY CONSTRUCTION WITH RESPECT TO ALASKA.

(a) IN GENERAL.—Nothing in this Act is intended to affect—

(1) the provisions for subsistence uses in Alaska set forth in the Alaska National Interest Lands Conservation Act (Public Law 96-487), including those in titles III and VIII of that Act;

(2) the provisions of section 102 of the Alaska National Interest Lands Conservation Act, the jurisdiction over subsistence uses in Alaska, or any assertion of subsistence uses in Alaska in the Federal courts; and

(3) the manner in which section 810 of the Alaska National Interest Lands Conservation Act is implemented in national wildlife refuges in Alaska.

(b) CONFLICTS OF LAWS.—If any conflict arises between any provision of this Act and any provision of the Alaska National Interest Lands Conservation Act, then the provision in the Alaska National Interest Lands Conservation Act shall prevail.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Alaska [Mr. YOUNG] and the gentleman from Hawaii [Mr. ABERCROMBIE] each will control 20 minutes.

The Chair recognizes the gentleman from Alaska [Mr. YOUNG].

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the chief sponsor of this legislation, I am pleased that the House is now considering H.R. 1420, a bill that will modernize the National Wildlife Refuge System Administration Act of 1966.

When I began this effort over 2 years ago, my goal was to enact an organic law that would ensure a bright future for our Nation's 92 million-acre refuge system. Our objectives also included creation of a statutory shield to ensure that hunting and fishing and other forms of wildlife dependent recreation could continue within the system and to facilitate those traditional activities, where compatible, with conservation. In my judgment, this legislation will accomplish these goals.

H.R. 1420 is the product of many long hours of thoughtful negotiations between the Department of the Interior, and I want to stress that, between the Department of the Interior, the original cosponsor of the bill, the staff of the gentleman from California, Mr. MILLER, and those representing the hunting, conservation, and environmental communities. In particular, I want to compliment Secretary Bruce Babbitt for his personal commitment to this effort and for hosting these discussions. This process could well serve as a model to resolve other legislative differences.

I would also like to thank my good friend, I just noticed he was on the floor, I do not know where he went, the gentleman from Michigan [Mr. DINGELL], who was the father of the refuges. He worked very hard with me over the years developing these refuges and the refuge system itself. Without his leadership, I doubt if this could

have taken place. And again I want to thank the staff for participating because they worked very hard.

But H.R. 1420 is not a perfect bill. It is not everything I wanted. I want to stress it is a compromise that has been endorsed by the Clinton administration and with such diverse groups as the Izaak Walton League, the National Rifle Association, the International Association of Fish and Wildlife Agencies, Safari Club International, Wildlife Legislative Fund of America, and the Wildlife Management Institute. I want to stress that these people support this legislation.

The major components of this new bill are that it statutorily defines the term "compatible use." While the refuge manager will retain the power to determine what is compatible, this language should provide the necessary guidance to make the proper decision.

□ 1445

It defines the term "wildlife dependent recreation" to mean hunting, fishing, wildlife observation and photography, or environmental education and interpretation and expressly recognizes these as priority uses of the system. This bill neither mandates nor prohibits such nonwildlife-dependent activities such as grazing, jet skiing, or oil and gas development.

The bill will establish for the first time a mission for our Nation's 509 wildlife refuges. This statement stipulates that the mission of the system is to administer a national network of lands and waters for the conservation, management and, where appropriate, the restoration of fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans.

When administering the system, it is the policy of the United States that compatible wildlife-dependent recreation is a legitimate and appropriate general public use of the system and will be given priority consideration in refuge planning and management. In addition, the Secretary is directed to ensure that opportunities are provided for compatible wildlife-dependent recreational activities within the refuge system.

Finally, Congress finds that these activities, including hunting and fishing, have been and are expected to be generally compatible with the mission of the system and purposes of the refuges.

The legislation contains an important requirement that the U.S. Fish and Wildlife Service make a determination, prior to land acquisition, whether existing wildlife-dependent uses may continue during the implementation of a management plan. By so doing, the citizens will know up front whether their favorite fishing and hunting spots will remain open and, if they are unhappy with the decision, they can lobby their congressman prior to the acquisition of the proposed refuge land.

H.R. 1420 requires the completion of a conservation plan for each of the 509 refuges within 15 years of the date of enactment. We should know what kind of natural or wildlife resources exist on these refuges.

Finally, this bill contains language that ensures that the act will not affect Federal, State, or local water rights and will not affect the Alaska National Interest Lands Conservation Act. The key fundamental change between this legislation and H.R. 511 is the deletion of the six systemwide purposes. Under this compromise measure, the hierarchical structure will be the conservation mission of the system, the purposes of each individual refuge unit, compatible wildlife-dependent recreational uses, and then nonwildlife-dependent activities.

While States will retain primacy over the management of fish and wildlife, the mission of the refuge system will be satisfied and individuals will have an opportunity to enjoy compatible wildlife-dependent recreation. After all, it is the American people who have helped to pay for the acquisition of the 92 million acres of Federal refuge lands with their hard-earned tax dollars.

In the final analysis, this is a sound piece of conservation legislation that is true to the legacy of Theodore Roosevelt and reaffirms the vision of the National Wildlife Refuge System Administration Act of 1966.

I urge an "aye" vote on H.R. 1420, and again I want to thank all my colleagues that were involved directly in this legislation.

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

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

Mr. Speaker, I am pleased to rise in support of H.R. 1420. This compromise clearly establishes the conservation mission of the National Wildlife Refuge System while ensuring the compatible wildlife-dependent recreation continues to have a place within the system as well. It requires that all uses of the system meet the same objective tests of compatibility.

If and when hunting, bird watching, or other forms of wildlife-dependent recreation are found compatible with wildlife conservation, they are given priority treatment over nonwildlife-dependent uses of the system. This is a sound policy that ensures conservation is paramount, while providing maximum opportunities for compatible wildlife-dependent recreation for the public. Our job here is to provide a good blueprint for managing the refuge system and let the wildlife management professional take it from there. This bill does that. We should pass it and let the professional get back to work.

Mr. Speaker, H.R. 1420 is a good example of bipartisanship, perhaps more appropriately, nonpartisanship. I want to commend Secretary Babbitt, the gentleman from Alaska [Mr. YOUNG], the gentleman from New Jersey [Mr. SAXTON], the gentleman from California [Mr. MILLER], the ranking member, and the gentleman from Michigan [Mr. DINGELL], who is here, as mentioned by the gentleman from Alaska [Mr. YOUNG], and the various interest groups for all their hard work in crafting legislation that satisfies a diversity of needs while preserving a fundamental mission of the system.

Mr. Speaker, I might say that that lineup of people that I just enumerated is a living example of diversity of needs while preserving the fundamental mission of the House of Representatives.

Perhaps we can apply the same approach to address the backlog of management needs plaguing our wildlife refuges. If the refuge system had adequate resources, the various user groups might not be fighting each other so much over access and management decisions. The House's adoption of this legislation today is a significant step forward in recognizing the importance of wildlife refuges and addressing their problems.

I urge, as the gentleman from Alaska [Mr. YOUNG] did, all of our colleagues to support the bill.

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

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, I rise in support of H.R. 1420, the bill known as the National Wildlife Refuge System Improvement Act. Mr. Speaker, as my colleagues may know, when I held the first hearing on the first version of the bill before the Fisheries Conservation, Wildlife and Oceans Subcommittee, it sparked a lively debate and was quite contentious. Nevertheless, all witnesses agreed that the problems of the refuge system needed to be addressed.

When I suggested that the differing parties should work together to find a common solution, I would not have guessed that these discussions would culminate in legislation supported by such a diverse group of environmental and hunting organizations as we have found support this bill today.

Today we have before us a bill that is supported by Secretary of the Interior, Bruce Babbitt, the gentleman from Alaska [Mr. YOUNG], chairman of the Resources Committee, the gentleman from California [Mr. MILLER], the ranking member, the gentleman from Hawaii [Mr. ABERCROMBIE], the ranking member of the Fish, Conservation, Wildlife and Oceans Subcommittee, the gentleman from Michigan [Mr. Dingell], ranking member of the Energy

and Commerce Committee, Members of both sides of the aisle, and the administration.

In my view, Mr. Speaker, this is exactly the kind of process that we ought to have in the House to solve problems that are unique and of importance to the American people and the habitat in which wildlife survives. This compromise legislation, which the gentleman from Alaska [Mr. YOUNG] has so eloquently described, contains a provision that I believe is the linchpin to continuing public support for the refuge system.

As the law currently stands, as soon as refuge lands are acquired, the door to public use is immediately slammed shut. The many hunters, fishers, birders, and environmental groups that have been using the land for recreation and education have worked hard to preserve the land and then are prevented from further use. No sound conservation reason can explain this and prevent them from using it.

I have urged for years that this action erodes public support and creates unnecessary ill feelings toward the refuge system and its managers. The bill eliminates this unnecessary situation. It will require the U.S. Fish and Wildlife Service to make a determination prior to land acquisition whether existing wildlife-dependent uses may continue during the implementation of a management plan. In other words, the door does not slam shut.

By so doing, citizens will know up front whether their favorite fishing or hunting spots will remain open. And if they are unhappy with that decision or that proposal, they can lobby their congressional Representative prior to the acquisition of refuge lands. I believe that retaining some modicum of control will keep the public support of refuges high and decrease hard feelings between users and land managers.

Mr. Speaker, during his opening statement, the gentleman from Alaska [Mr. YOUNG] made reference to a number of groups that support this bill. I would like to add to that list the National Wildlife Federation, who say in the letter drafted and dated May 29, "The negotiations by your staff," referring to the gentleman from Alaska [Mr. YOUNG], "with the Clinton administration and Members of Congress have resulted in a carefully crafted proposal with broad support. We support H.R. 1420." That is the National Wildlife Federation.

Mr. Speaker, this is not an all-encompassing bill. It is probably not perfect. Few things, if any, that we do here are. There are undoubtedly future changes that will be made to the management of the refuge system. This, however, is a huge step in the right direction.

I again want to thank all the Members and staff, specifically Sharon McKean, Harry Burroughs, Chris Mann, Don Beattie, Dan Ashe and others, who worked so hard to bring this compromise legislation before the House. And I, of course, urge all Members to support it.

Mr. Speaker, I include the following letter for the RECORD:

NATIONAL WILDLIFE FEDERATION,
Vienna, VA, May 29, 1997.

Hon. DON YOUNG,
Chairman, House Resources Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN YOUNG: I am writing to thank you for your recent efforts on H.R. 1420, the National Wildlife Refuge Administration Act of 1997. The National Wildlife Refuge System and its proper management have long been of special interest to the National Wildlife Federation (NWF). Your willingness to address many of the concerns we had with the original version of the bill, H.R. 511, is greatly appreciated.

The negotiations by your staff with the Clinton Administration and Members of Congress have resulted in a carefully crafted proposal with broad support. We support H.R. 1420 provided that no weakening amendments are made to the bill as it moves through the legislative process. We appreciate and support your vigorous opposition to any such weakening amendments, as indicated by your staff (Harry Burroughs, conversation with Doug Inkley, May 29, 1997). We look forward to House approval of H.R. 1420 next week.

Sincerely,

MARK VAN PUTTEN,
President.

Mr. ABERCROMBIE. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan [Mr. DINGELL].

Mr. DINGELL. Mr. Speaker, I thank the gentleman from Hawaii [Mr. ABERCROMBIE], my good friend, for yielding me the time, and I want to commend him and thank him for his work on behalf of this piece of legislation. He is a valuable Member of this body and I am indeed grateful to him.

Mr. Speaker, I want to, first of all, urge my colleagues to support this legislation. It is a fine piece of legislation. It is a strong piece of legislation. It will protect one of the Nation's most precious resources, our national wildlife refuge system, hundreds of areas, and millions of acres, and they will be protected for the future, but they will be under wise use.

My colleagues might perhaps wonder why I rise here today. My first reason is to commend my colleagues who have participated in this, the gentleman from Alaska [Mr. YOUNG], my dear friend of long standing, the chairman of the committee, the gentleman from New Jersey [Mr. SAXTON], my good friend, the gentleman from Hawaii [Mr. ABERCROMBIE], the gentleman from California [Mr. MILLER], the ranking minority member of the committee, and the very fine staffs of all of us, including Dan Beattie from my staff, who participated in the work that made this possible.

I also want to rise to commend the Secretary of the Interior, Mr. Babbitt, who worked so hard and so well on this battle. And it is probably with some surprise that all of us who participated in these discussions find that we have accomplished the remarkable task of bringing this legislation to the floor. It is indeed remarkable because there were great differences that existed as we went through the business.

The legislation is good. It is a successor piece of legislation to the Refuge Administration Act, which years ago, when I was chairman of the Subcommittee on Fisheries and Wildlife Conservation of the old Merchant Marine and Fisheries Committee, on which my good friend, the chairman of the Committee on Natural Resources served at that time. I want to say that we were very proud of the good work that we did in those great days, as we are proud of the work that we do today.

The legislation protects hunting, it protects wise use, it sees to it that the refuges both insofar as their habitat and their area are protected. It also sees to it that the wildlife species, which are so precious and so important and which are the reason for the existence of the refuge system, achieve the full and necessary protection which they must have.

The bill expands the National Wildlife Refuge System Act of 1966 by providing a strong mission statement for the system and by ensuring that each refuge is managed in a way that fulfills the mission of the system and the purpose for which the refuge was created. It provides in this strong statement the following language: "To administer national networks of lands and waters for the conservation, management and where appropriate the restoration of fish, wildlife, and plant resources and their habitats with the United States for the benefit of the present and future generations of Americans." It directs the service to implement conservation plans and to determine the compatibility of activities on the refuge and gives protection to compatible wildlife-dependent activities, like hunting.

And I would remind all my colleagues and everybody in and outside this body that it was the hunters who set up and who maintained and who preserved, protected, and funded the wildlife refuge system, and it is the hunter with his small contribution of one duck stamp each hunting season that makes possible the continued acquisition of land for the precious purpose of protecting this system.

I hope that my colleagues will recognize that this is good, sound, necessary legislation, and I hope that they will recognize that many of the important wildlife and hunting organizations support this: the Wildlife Legislative Fund, the National Wildlife Federation, the National Rifle Association, the Safari Club International, and by my colleagues who work here constantly on behalf of conservation, my

colleagues and friends in the Congressional Sportsmen's Caucus.

I do want to say one particular word about the gentleman from Alaska [Mr. YOUNG], my good friend. I know he had strong differences with the Secretary early on, and I know the Secretary had strong differences with my colleague. The two came together in a fashion which does credit not only to them but to this institution and to their respective responsibilities.

I am proud to have had a little bit to do with the adoption of this legislation. I want to urge my colleagues to support the legislation, which brings viability and health to 92 million acres of the refuge system, which is one of the greatest national treasures in the possession of this country.

□ 1500

Mr. ABERCROMBIE. Mr. Speaker, I yield the balance of my time to the gentleman from American Samoa [Mr. FALEOMAVAEGA], and I ask unanimous consent that he be permitted to control that time.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 30 seconds to the gentleman from New Jersey [Mr. SAXTON].

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

Mr. Speaker, I neglected to mention the person who worked very closely with me over the past couple of years in preparing for today, and that, of course, is Sharon McKenna, one of the staffers on the Resources Committee who is here with me today. I just wanted to thank her so very much for all the hard work that she has done in preparation for today as well.

Mr. YOUNG of Alaska. Mr. Speaker, I yield 1 minute to the gentleman from New York [Mr. FORBES].

Mr. FORBES. Mr. Speaker, I thank the distinguished gentleman for yielding me this time to rise in support of this very important legislation. I thank him for his stewardship of this very important issue and, of course, our ranking member of the committee, in fact, the entire committee and the professional staff, for making possible this very important legislation.

H.R. 1420 will finally, after 40 years, give the National Wildlife Refuge System a mission, a central mission for the Nation's 509 wildlife refuges. It will make wildlife conservation the primary purpose of all refuges, and finally give the Fish and Wildlife Service a directive in how to best manage this precious resource.

It also allows important secondary uses, very important, such as hunting and fishing, to continue on refuges as long as they are compatible with the primary purpose of the refuge, wildlife conservation. My good friend from Michigan just a moment ago noted that it was sportsmen conservationists, original conservationists that made possible this setting aside of precious lands.

I thank the committee, and particularly the chairman and the ranking member, for their leadership on this important issue.

Mr. YOUNG of Alaska. Mr. Speaker, I yield such time as he may consume to the gentleman from New Jersey [Mr. SAXTON].

Mr. SAXTON. Mr. Speaker, the gentleman from Florida [Mr. GOSS] has brought some questions to my attention which I would like to discuss with the chairman of the committee at this time.

I have a few questions I would like to address to the chairman about the potential effects of the bill on the utility and other rights-of-way and related facilities within the Nation's wildlife refuges. Current law expressly allows such rights-of-way when they are determined to be compatible with the purposes for which the refuge was established. In many cases electricity and other rights-of-way and related facilities provide additional valuable habitat for our Nation's wildlife.

Current Fish and Wildlife Service regulations specify a 50-year permit term for rights-of-way for electrical transmission lines, recognizing that the siting process for such lines is lengthy, complex, and costly. H.R. 1420 requires that the Fish and Wildlife Service review the compatibility for all uses at least every 10 years. Does the gentleman envision this requirement as adversely impacting either existing rights-of-way or the Service's ability to grant future rights-of-way across the refuge?

Mr. YOUNG of Alaska. If the gentleman will yield, the enactment of H.R. 1420 should not impact these rights-of-way. As the gentleman has noted, rights-of-way on refuges are granted by the Fish and Wildlife Service under provisions of the existing National Wildlife Refuge System Administration Act, provisions which are not amended by this bill. That act requires the Service to first determine that the proposed right-of-way is compatible with the purposes for which the refuge was established.

This bill utilizes the same definitions of compatibility that the Service has used administratively for many years. Its enactment will create no higher standard for rights-of-way than exist at present. We are changing the process by which decisions are made, not the standard which is used to make them.

The Fish and Wildlife Service accompanies rights-of-way permits with terms and conditions necessary to ensure that the right-of-way remains compatible. What would be examined under the 10-year review required by this bill is the compliance with the terms and conditions of the permit, not the existence of the right-of-way. The Fish and Wildlife Service does this now. The only change would be in the process by which the review is conducted. There would be no adverse impacts on electrical or other rights-of-way through this review.

Mr. SAXTON. I understand that the U.S. Fish and Wildlife Service was consulted on this issue and agrees with the gentleman's assessment. Is that correct?

Mr. YOUNG of Alaska. The gentleman is absolutely correct.

Mr. SAXTON. I thank the gentleman.

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

I certainly want to commend the gentleman from Alaska, the chief sponsor of this legislation, for his leadership and certainly for his patience in getting the bipartisanship support of this important piece of legislation. I thank also the gentleman from New Jersey, the chairman of the subcommittee, for bringing this legislation to the floor for consideration.

I have no further speakers at this time, Mr. Speaker, and I yield back the balance of my time.

Mr. YOUNG of Alaska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, in my opening statement I forgot to mention that the gentleman from Michigan [Mr. DINGELL] and myself have worked many, many years on refuge legislation. We watched the support for refuges grow in this country because we wanted to leave a legacy of hunting and fishing, the heritage of this country, to our young people. We were able to do that through our actions in the past and this is just an attempt to make sure that continues. I urge a strong aye vote on this legislation.

Mr. Speaker, I yield 2 minutes to the gentleman from Tennessee [Mr. TANNER].

Mr. TANNER. Mr. Speaker, it is a pleasure to be here today to talk about H.R. 1420. I appreciate the gentleman yielding me this time.

Today's vote on the National Wildlife Refuge System Improvement Act is a simple one as we mark National Fishing Week. The road we have taken to establish this common sense compromise for the future management of our Nation's valuable National Wildlife Refuge System is one that should be followed more often.

The gentleman from Alaska [Mr. YOUNG], our committee chairman, Interior Secretary Bruce Babbitt, the gentleman from Michigan [Mr. DINGELL], the gentleman from New Jersey [Mr. SAXTON], and the gentleman from California [Mr. MILLER] should all be commended for their energy and resolve in reaching this consensus agreement.

Equally important are the nongovernmental organizations, including the International Association of Fish and Wildlife Agencies, the Safari Club International, the Wildlife Management Institute, the Izaak Walton League, the Wildlife Legislative Fund of America, the National Wildlife Federation, and the National Rifle Association. All have made significant contributions to the process that brings us here today.

I want to particularly thank the gentleman from Alaska [Mr. YOUNG], the gentleman from Michigan [Mr. DINGELL], the gentleman from American Samoa [Mr. FALEOMAVAEGA], the gentleman from California [Mr. MILLER], Secretary Babbitt and all the other citizens who have put into this process a positive way to achieve a consensus on the future care of our important natural resources.

Given that, I would urge the other body to move legislation similar if not identical to H.R. 1420, so that we can fairly quickly get a bipartisan, broadly supported piece of legislation to the President for his signature.

I would like to remind everyone that the future of our Nation's 509 national wildlife refuges is at a critical juncture given the system's 100th anniversary in 6 short years. This legislation's focus on conservation, compatible uses such as hunting, fishing, and wildlife observation, and general management practices for the system marks a significant step forward in the care and maintenance of our refuge system.

Mr. HERGER. Mr. Speaker, I strongly support H.R. 1420, The National Wildlife Refuge System Improvement Act of 1997, and take this opportunity to clarify the scope and application of this important legislation.

This Act directly affects 509 wildlife refuges, covering 92 million acres of Federal lands, in all 50 States and territories. These refuges provide enjoyment for millions of Americans each year, while at the same time they protect and preserve vital habitat and species for futures generations. Our Federal Government, however, has managed its refuge system for more than 30 years without any clear mission or direction.

H.R. 1420 provides a beacon of light for public lands management on our national wildlife refuges by establishing a mission "to administer a national network of lands and waters for the conservation, management and, where appropriate, the restoration of fish, wildlife, and plant resources and their habitats for the benefit of present and future generations of Americans." For far too long the Federal agency responsible for maintaining these refuges, the United States Fish and Wildlife Service, has proceeded without direction or instructions on how to manage our national refuges. They have been left to their own whims to make arbitrary decisions regarding who may or may not gain access to our refuge system. Now, local administrators will be provided a clear definition of wildlife-dependent recreational activities that are considered "compatible uses" within our national refuge system.

It is important to note that this legislation applies directly to "wildlife-dependent recreation," and defines this type of recreation as: hunting, fishing, wildlife observation and photography, or environmental education and interpretation. This legislation does not, however, apply to, preclude, or otherwise bar other activities vital to management of our national refuge system. Most particularly, this legislation does not preclude mosquito control activities. Mosquito abatement on our national refuges is integral to providing for the public health and safety of communities in and around the refuge system. Without these important activities our national refuges become breeding grounds for disease carrying mosquitoes that migrate from the refuges, travelling anywhere from 20 to 50 miles, to infect animals and humans who live in neighboring urban and rural communities. Mosquito control activities do not materially interfere with or detract from the fulfillment of the mission or purpose of the refuge system, but they do have a direct positive impact on public health and safety.

I support H.R. 1420 and join with my colleagues in providing common sense direction for management of our national refuge system.

Mr. MILLER of California. Mr. Speaker, I rise in support of H.R. 1420. As my colleagues are aware, I opposed bills last Congress and again in this Congress that would have harmed the 92-million-acre national wildlife refuge system by making recreational uses a purpose of the system and by establishing a process for determining compatible uses that favored some activities over others. These bills also placed new restrictions on the Fish and Wildlife Service in acquiring and managing refuge lands that would have impeded its ability to conserve fish and wildlife.

However, this compromise resolves those concerns in a way that I hope will satisfy the diversity of users of our wildlife refuges, from bird watchers to duck hunters. This bill represents a bona fide compromise that resulted from concessions on both sides. I think perhaps the most important result of this process has been the realization by environmentalists and hunters that many of their interests really do coincide in the long run. The goals they seek and the activities they enjoy are all dependent on our assuring that there are abundant, healthy wildlife populations. I believe H.R. 1420 accomplishes that.

First and foremost, H.R. 1420 builds a solid foundation for managing the refuge system by making conservation the singular, fundamental mission of the system. In support of the mission, the bill requires conservation plans to be developed for each refuge and requires the Secretary of the Interior to ensure that the biological integrity, diversity, and health of the system are protected. The bill establishes a well-defined process for deciding what uses are compatible with wildlife conservation and the purposes of each refuge. Importantly, no use is allowed on a refuge until it has been determined that the use will not have a tangible adverse impact on the conservation mission of the system or the purposes of the refuge where the activity will take place. Once permitted, compatible activities remain subject to appropriate regulation.

In addition, H.R. 1420 acknowledges the excellent outdoor recreational opportunities provided to the public by the refuge system. The bill gives recreational uses that depend on wildlife—fishing, hunting, nature observation and photography, and environmental education and interpretation—priority over other uses of the system. Of course, these important recreational uses of the system are the result of sound wildlife conservation because they depend on abundant wildlife.

As with any compromise, not every problem can be addressed to everyone's satisfaction. In particular, I want to express my concern that language directing the Secretary of the Interior to provide "increased opportunities for families to experience compatible wildlife-dependent recreation" not be taken as a directive to divert scarce operational funding for the construction of roads, visitor facilities and other amenities. Where appropriate, such amenities provide important public access to the system's wildlife resources, but wildlife and wildlife habitat should come first.

There has also been considerable discussion about the definition of a refuge. The bill's definition is consistent with the Fish and Wildlife Service's interpretation of a refuge as an area in which the United States has a property interest. I think it is important to note that the United States may have an interest in refuge lands that extends beyond a property interest. However, any authority to protect that interest, to the extent it exists, is neither enhanced nor diminished by this legislation.

I would like to commend Secretary Babbitt for taking the time and the initiative to bring disparate interests together to negotiate. I would also like to commend Messrs. DINGELL and YOUNG for their willingness to seek common ground. Although we initially disagreed on how to manage it, they never wavered in their support for the refuge system. The fragile coalition that was built to broker this compromise is likely to be sorely tested in the other body, but if we can hold it together, I believe the refuge system will be the better for it.

Mr. Speaker, this is a good bill. Many of the refuge system's past problems resulted from the individual refuges not being managed as part of a larger system. This bill builds on the original vision of the gentleman from Michigan [Mr. DINGELL] of a true national wildlife refuge system. H.R. 1420 ensures that wildlife refuges, the only public lands dedicated to wildlife conservation, are properly managed and protected, while encouraging greater public appreciation of wildlife and use of the refuge system. Whether you like to shoot birds with a Browning or a Nikon, H.R. 1420 will enhance your appreciation and use of the refuge system. I urge the House to support the bill.

Mr. FARR of California. Mr. Speaker, I support H.R. 1420, because: it clarifies that the mission of the refuge system, first and foremost, is to conserve fish and wildlife, with wildlife dependent recreation and education secondary, and other uses as its lowest priority; it establishes a more formal and public process to determine what uses are compatible on refuge lands; and it requires comprehensive planning with public participation.

Theodore Roosevelt created the first wildlife refuge over 90 years ago to protect the wildlife

at Pelican Island, FL. Today there are 509 wildlife refuges covering approximately 92 million acres of Federal land, protecting a wide variety of fish and wildlife. In my own district, two refuges have been established to protect endangered species: the Ellicott Slough National Wildlife Refuge for the endangered Santa Cruz long-toed salamander, and the Salinas River National Wildlife Refuge for the endangered Smith's blue butterfly.

Americans benefit a lot from their wildlife refuges, enjoying their bounty and beauty for a variety of wildlife-dependent recreation and environmental education. Last year, over 27 million people visited national wildlife refuges to observe and photograph wildlife. Five million anglers and 1.5 million hunters visited the refuges, and nearly 500,000 students visited the refuges for environmental education programs.

However, as I brought up in committee, I believe that the definition of a refuge should be as defined in the dictionary—as a place providing protection or shelter, a haven. Refuges exist to conserve wildlife, first and foremost, and public use at some refuges may not be appropriate. For example, at the Ellicott Slough National Wildlife Refuge in my district, no public recreation takes place, due to the sensitivity of the habitat. The American public benefits greatly even when such restrictions are placed on certain refuges, in the knowledge that biological resources are being conserved, for present and future generations, and may be conserved to such a degree that some day populations may rebound to the point where they are no longer endangered.

I appreciate the work that has gone into arriving at this version of the National Wildlife Refuge System Improvement Act, and strongly support the belief that only uses that do not have a tangible adverse impact on the refuges ability to meet its conservation purpose or the mission of the system be allowed. The bill requires that these decisions be made in writing, based on sound science, and available for public review and comment, codifying Clinton administration policies. I also support the requirement that the Service ensure that adequate funds are available to administer public uses before they can be permitted: in other words that funds aren't diverted from conservation activities to public use management.

I would also further urge that, although specific language to this effect is not present in this version of the bill, as it was in Mr. MILLER's bill, H.R. 952, the Service should improve its wildlife monitoring as part of the comprehensive conservation plans that are required under this bill. A strong wildlife monitoring program is key to ensuring proper species and ecosystem management.

I would like to end with a final, but very important matter: that of funding for our refuge system. Earlier this month, Reps. GILCHREST, YOUNG, MILLER, SAXTON, ABERCROMBIE, and I, along with nearly 50 additional House Members, wrote to Chairman REGULA and Ranking Democrat YATES to urge increased funding for the refuge system. This funding is absolutely necessary for the conservation goals of our refuges to be adequately addressed, and strongly urge support of this investment through the appropriations process.

Mr. PAUL. Mr. Speaker, I rise today in opposition to H.R. 1420, the Wildlife Refuge System Improvement Act of 1997. In an attempt to assist in the fulfillment of important international treaty obligations of the United States, today we are asked to support a bill which reinforces an unconstitutional program of the Johnson administration, the National Wildlife Refuge Act of 1966.

Rather than this Congress debating the merits or constitutionality of Federal land management programs and the inherently flawed notion of common ownership and the necessarily resulting tragedy of the commons, this bill would amend the 1966 Act to instill internationally centralized management of these wildlife refuges to include requiring the Interior Department, using sound professional judgment, to prepare comprehensive plans detailing the appropriate use of each refuge. Additionally, this bill instills as the mission of the wildlife system the conservation of fish, wildlife, and plants, and their habitats and provides the statutory authority for denying use of the refuges for all noncompatible uses which materially interfere with or detract from the mission. Moreover, H.R. 1420 directs the Interior Secretary to direct the continued growth of the System in a manner that is best designed to accomplish the mission [emphasis added].

Apparently, the era of big government is not over. In fact, in the name of satisfying international treaties, it seems as though even the Great Society is alive and well and growing.

Mr. GOSS. Mr. Speaker, Teddy Roosevelt named Pelican Island, FL as the first United States wildlife refuge. In that tradition, I'm proud that Florida's fourteenth Congressional district boasts four wildlife refuges, including the J.N. "Ding" Darling refuge on my home island of Sanibel.

I want to commend Chairman YOUNG and the Resources Committee; bringing together many diverse interests, they've crafted a bill that meets with the satisfaction of all parties. H.R. 1420, for the first time, establishes a central purpose for the National Wildlife Refuge System, namely, providing a sanctuary for wildlife. It also addresses the issues of compatible uses in a responsible way. As the session continues, the House will undoubtedly face other contentious environmental debates—I am hopeful that we can address those issues in a similarly cooperative and productive manner.

Mr. CUNNINGHAM. Mr. Speaker, I rise today in support of the National Wildlife Refuge System Improvement Act (H.R. 1420). As cochairman of the Congressional Sportsmen's Caucus, I encourage all my colleagues to support this important legislation.

The refuge bill is a proenvironment bill which will protect our Nation's tradition of allowing people using their national recreational areas to hunt, fish, and look at birds, while preserving the environment.

Specifically, H.R. 1420 creates a nationwide set of six purposes for our national refuge system. Our refuge system will now be a dedicated network of lands to conserve and manage fish, wildlife, and plant species; to conserve, manage, and restore fish and wildlife populations, plant communities, and refuge habitats; to preserve, restore, and protect endangered and threatened species; conserve and manage migratory birds, anadromous fish and marine mammals; to allow compatible wildlife-dependent recreation, which includes hunting, fishing, wildlife observation, and environmental education; and to fulfill our international treaty obligations.

This bill also requires the U.S. Fish and Wildlife Service to create conservation plans for each of America's 511 refuges within the next 15 years. These plans will help Americans understand the goals of our refuges and provide a better accounting of our national treasures.

It is also important to recognize what this bill does not do. This bill does not permit hunting and fishing on every wildlife refuge. The individual refuge manager must find that these activities are compatible with the purpose of the refuge. In addition, this bill sets clear guidelines and standards for managers to determine compatible uses. This bill does not permit nonwildlife activities such as mining, jet skiing, or oil and gas development. This bill does not increase or decrease the size of any of our 511 refuges.

This bill is the first significant refuge reform bill considered by Congress since the original refuge legislation in 1966. This legislation is supported by many outside organizations, including the International Association of Fish and Wildlife Agencies, the Wildlife Legislative Fund of America, American Sportfishing Association, Safari Club International, and many other groups.

I hope that all my colleagues recognize how important this legislation is and vote for H.R. 1420.

Mr. YOUNG of Alaska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1420, as amended.

The question was taken.

Mr. YOUNG of Alaska. 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.

RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST BOUNDARY ADJUSTMENT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1019) to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys.

The Clerk read as follows:

H.R. 1019

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

SECTION 1. BOUNDARY ADJUSTMENT AND LAND CONVEYANCE, RAGGEDS WILDERNESS, WHITE RIVER NATIONAL FOREST, COLORADO.

(a) FINDINGS.—The Congress finds the following:

(1) Certain landowners in Gunnison County, Colorado, who own real property adjacent to the portion of the Raggeds Wilderness in the White River National Forest, Colorado, have occupied or improved their property in good faith and in reliance on erroneous surveys of their properties that the landowners reasonably believed were accurate.

(2) In 1993, a Forest Service resurvey of the Raggeds Wilderness established accurate boundaries between the wilderness area and adjacent private lands.

(3) The resurvey indicated that a small portion of the Raggeds Wilderness is occupied by adjacent landowners on the basis of the earlier erroneous land surveys.

(b) PURPOSE.—It is the purpose of this section to remove from the boundaries of the Raggeds Wilderness certain real property so as to permit the Secretary of Agriculture to use the authority of Public Law 97-465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c-521i) to convey the property to the landowners who occupied the property on the basis of erroneous land surveys.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Raggeds Wilderness, Gunnison and White River National Forests, Colorado, as designated by section 102(a)(16) of Public Law 96-560 (16 U.S.C. 1132 note), is hereby modified to exclude from the area encompassed by the wilderness a parcel of real property approximately 0.86-acres in size situated in the SW¼ of the NE¼ of Section 28, Township 11 South, Range 88 West of the 6th Principal Meridian, as depicted on the map entitled "Encroachment-Raggeds Wilderness", dated November 17, 1993. Such map shall be on file and available for inspection in the appropriate offices of the United States Forest Service, Department of Agriculture.

(d) CONVEYANCE OF LAND REMOVED FROM WILDERNESS AREA.—The Secretary of Agriculture shall use the authority provided by Public Law 97-465 (commonly known as the Small Tracts Act; 16 U.S.C. 521c-521i) to convey all right, title, and interest of the United States in and to the real property excluded from the boundaries of the Raggeds Wilderness under subsection (c) to those owners of real property in Gunnison County, Colorado, whose real property adjoins the excluded lands and who have occupied the excluded lands in good faith reliance on an erroneous survey.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. Speaker, H.R. 1019 provides for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest in Colorado, to correct the effects of earlier erroneous land surveys. This bill is identical to legislation which passed within the House of Representatives last year by voice vote. However, the legislation was not acted upon by the Senate prior to the conclusion of the 104th Congress.

In 1993, following a boundary survey, the White River National Forest discovered an encroachment into the Raggeds Wilderness area just west of the town of Marble in Colorado. The encroachment consists of approximately 400 feet of power line and 400 feet of road. In addition, portions of four subdivision lots extend into this wilderness. The road is a county road and provides the sole legal access to the four lots. The entire encroachment is less than 1 acre of land.

The Bureau of Land Management/Forest Service surveys found that the original survey of the Crystal Meadows subdivision was erroneous. Although less than 1 acre is affected, the Forest Service cannot settle the matter under the authority of the Small Tracts Act because the lands in question are within the Raggeds Wilderness. The wilderness boundary may only be modified by an act of Congress.

H.R. 1019 follows the guidelines established by the Small Tracts Act, Public Law 97-465. The bill is noncontroversial, Mr. Speaker, and I urge its passage.

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

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

Mr. Speaker, this is the first of four national forest bills on the floor today which are sponsored by our Republican members. Along with other Democratic members of the Committee on Resources, I am pleased to support this legislation introduced by the gentleman from Colorado. This bill would correct an erroneous land survey which has resulted in the encroachment of 1 acre of private land on the Raggeds Wilderness area in the White River National Forest. The legislation is without controversy, and it is supported by the administration. A similar bill passed the House in the last Congress. I urge my colleagues to support the legislation of the gentleman from Colorado [Mr. MCINNIS].

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

Mrs. CHENOWETH. Mr. Speaker, I yield 3 minutes to the gentleman from Colorado [Mr. MCINNIS].

Mr. MCINNIS. Mr. Speaker, I urge my colleagues to support H.R. 1019. I would also like to comment briefly on H.R. 1020, but prior to that I want to thank the gentleman from Alaska [Mr. YOUNG] and the gentlewoman from Idaho [Mrs. CHENOWETH], subcommittee chairman, for rapidly moving this legislation forward. I would also like to thank the gentleman from American Samoa for his courtesies and support in regard to H.R. 1019.

Briefly on H.R. 1020, that is also a noncontroversial issue and ties into this. It adjusts the boundary of the White River National Forest to include all the National Forest System Lands within Summit County, CO, which are currently part of the Arapaho National Forest, being the Dillon Ranger District. The White River National Forest has administered these lands for a number of years. Therefore, the inclusion of the Dillon Ranger District within the White River National Forest will more accurately depict the administration of these lands. Furthermore, the inclusion should reduce confusion within the general public as to who administers the Dillon Ranger District. The legislation will not alter the current distribution of forest receipts to the affected county governments. I urge my colleagues to support this legislation and again H.R. 1019, once again expressing my appreciation.

□ 1515

Mr. FALEOMAVAEGA. Mr. Speaker, I yield 3 minutes to the gentleman from Massachusetts [Mr. DELAHUNT], my good friend, who unfortunately, because of a traffic jam, was unable to deliver his statements in support of the previous legislation.

Mr. DELAHUNT. Mr. Speaker, I also rise in support of House Resolution 1019 offered by the gentleman from Colorado [Mr. MCINNIS], and I support that and I commend his efforts. I would also like to speak, Mr. Speaker, to House bill 1420.

Mr. Speaker, when President Theodore Roosevelt established the first wildlife refuge in Florida 94 years ago, he could have hardly imagined a national system of 500 refuges covering 93 million acres. Today we have an opportunity to make a genuine contribution to this remarkable legacy of wildlife conservation and management.

It is in that spirit that I do support enthusiastically House Resolution 1420, the National Wildlife Refuge System Improvement Act of 1997. The chairman and ranking member have worked together to craft a bill for consideration by the full House that fulfills the conservation objective and ensures the future biological integrity of our refuge.

Mr. Speaker, I am especially pleased to offer my support of this legislation because of the important role in building that legacy played by my predecessor in this Chamber, former Congressman Gerry Studds. As chairman of the Committee on Merchant Marine and Fisheries, Mr. Studds fought tenaciously for species large and small, beautiful and not so beautiful, endangered and common alike. Legacies are not historical relics. Like the species that inhabit our refuge, they survive only if they prosper and evolve.

Mr. Speaker, the bill before us explicitly encourages the Fish and Wildlife Service to pursue partnerships with local communities, States, private and nonprofit groups. It is precisely such a partnership that has characterized our progress toward one of the newest additions to the refuge system in Mashpee on Cape Cod, home to over 180 migratory fish and bird species.

Like so many others across the country, the Mashpee Refuge has value even beyond its statutory objectives, in this case in safeguarding the quality and quantity of the area's fragile water resources. This imperative has become particularly acute with recent findings that pollution emanating from a nearby military reservation is seriously contaminating groundwater and jeopardizing future drinking water supplies.

For all these reasons, I can think of no better way to honor the work of Mr. Studds and others who have advanced these objectives than to fulfill the Federal commitment by completing acquisition of the final 325-acre tract of the Mashpee Refuge, and to enact H.R. 420 into law.

Mr. Speaker, this bill draws on historic bipartisan support for the basic mission of the refuge system and makes adjustments that keep this refuge system alive and viable, and I urge my colleagues to join me in helping the House to pass it.

Mr. FALEOMAVAEGA. Mr. Speaker, I thank the gentleman from Massachusetts [Mr. DELAHUNT] for his fine statements.

Mr. Speaker, I have no additional speakers at this time, and I yield back the balance of my time.

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

The SPEAKER pro tempore (Mr. MILLER of Florida). The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 1019.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WHITE RIVER NATIONAL FOREST BOUNDARY ADJUSTMENT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1020) to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest.

The Clerk read as follows:

H.R. 1020

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

SECTION 1. INCLUSION OF DILLON RANGER DISTRICT IN WHITE RIVER NATIONAL FOREST, COLORADO.

(a) BOUNDARY ADJUSTMENTS.—

(1) WHITE RIVER NATIONAL FOREST.—The boundary of the White River National Forest in the State of Colorado is hereby adjusted to include all National Forest System lands located in Summit County, Colorado, such lands forming the Dillon Ranger District of the Arapaho National Forest. The Dillon Ranger District is hereby made a part of the White River National Forest.

(2) ARAPAHO NATIONAL FOREST.—The boundary of the Arapaho National Forest is hereby adjusted to exclude the National Forest System lands included in the White River National Forest under paragraph (1).

(b) REFERENCE.—Any reference to the Dillon Ranger District, Arapaho National Forest, in any existing statute, regulation, manual, handbook, or otherwise shall be deemed to be a reference to the Dillon District, White River National Forest.

(c) EXISTING RIGHTS.—Nothing in this section shall be construed to affect valid existing rights of persons holding any authorization, permit, option, or other form of contract existing on the date of the enactment of this Act.

(d) FOREST RECEIPTS.—Notwithstanding the distribution requirements of payments under the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), the distribution of receipts from the Arapaho National Forest and the White River National Forest to affected county governments shall be based upon the National Forest boundaries that existed on the day before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, H.R. 1020 adjusts the boundaries of the White River National Forest to include all national forest system lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest. The White River National Forest has administered these lands for a number of years, and therefore the inclusion of the Dillon Ranger District within the White River Forest will more accurately depict the proper administration of these lands. Furthermore, the inclusion should reduce confusion within the general public as to who administers the Dillon Ranger District. The legislation will not alter the current distribution of forest receipts to the affected county governments.

Mr. Speaker, this bill is noncontroversial, and I urge its passage.

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

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

Mr. Speaker, as explained by the gentlewoman from Idaho, this bill adjusts the boundary of the White River National Forest to include lands which are currently part of the Dillon Ranger District of Arapaho National Forest. It is my understanding that the administration's earlier concerns about the language preserving the current distribution of forest receipts have been resolved and that there is no further objection by the administration on this bill.

This legislation again is sponsored by the gentleman from Colorado [Mr. MCINNIS], and I urge my colleagues to support this piece of legislation.

Mr. Speaker, I do not have any additional speakers, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 1020.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

FACILITATING THE SALE OF CERTAIN LAND IN TAHOE NATIONAL FOREST

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1439) to facilitate the sale of certain land in Tahoe National Forest in the State of California to Placer County, CA, as amended.

The Clerk read as follows:

H.R. 1439

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

SECTION 1. LAND CONVEYANCE, TAHOE NATIONAL FOREST, CALIFORNIA.

(a) SALE AUTHORIZED.—Subject to all valid existing rights, the Secretary of Agriculture may sell to Placer County, California (in this section referred to as the "County"), all right, title, and interest of the United States in and to a parcel of real property, consisting of approximately 35 acres located in Tahoe National Forest in the State of California to permit the County to create a community park in Squaw Valley.

(b) DESCRIPTION OF PROPERTY.—The parcel to be conveyed under subsection (a) is generally depicted on a map entitled "Placer County Conveyance", dated April 1997, which shall be available for public inspection in appropriate offices of the Secretary. The map and attached approximate legal description are subject to adjustment by survey. The cost of any such survey shall be borne by the County.

(c) CONSIDERATION.—As consideration for the conveyance under subsection (a), the County shall pay to the United States an amount equal to the fair market value of the conveyed parcel, as determined in conformance with the document entitled "Uniform Appraisal Standards for Federal Land Acquisitions (1992)". The proceeds from the sale shall be deposited in the fund established by Public Law 90–171 (16 U.S.C. 484a; commonly known as the Sisk Act) and shall be available for expenditure in accordance with such Act.

(d) EXISTING USES.—As a condition on the conveyance under subsection (a), the County shall agree to provide for continuation of any existing non-Federal improvements or uses on the conveyed parcel for the remainder of the terms of the existing authorizations.

(e) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional

terms and conditions in connection with the conveyance under subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

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

Mr. Speaker, H.R. 1439 introduced by the gentleman from California [Mr. DOOLITTLE] of the committee authorizes the Secretary of Agriculture to sell 35 acres in the Tahoe National Forest to Placer County, CA, for the purpose of creating a community park in Squaw Valley.

The site is located at the southwest and northwest corners of Squaw Valley Road and Highway 89.

Now this area stands out as the only feasible location to accommodate the various interests. Placer County believes that this legislation is needed to streamline the acquisition process and thus save thousands of dollars for the county and for the Forest Service.

There is substantial support for the park and the community, and the Placer County Parks Commission has allocated over $250,000 for acquisition and development of this park. Currently there are no public parks in Squaw Valley, and the nearest park facilities are located in Tahoe City, which is approximately 10 miles away.

Mr. Speaker, I urge the passage of this legislation.

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

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

Mr. Speaker, this piece of legislation was introduced by the gentleman from California [Mr. DOOLITTLE], and the bill is intended to facilitate the sale of about 35 acres of Federal land in the Tahoe National Forest in California, Placer County. The prospective purchaser intends to use the property for a public park.

The Forest Service has the authority to sell this land under current law and testified that the bill is unnecessary, but the legislation serves the purpose of highlighting this as a priority matter for Forest Service attention. It does not, however, alter the responsibility of the purchaser to pay fair market value for the land.

Mr. Speaker, I urge my colleagues to support this piece of legislation introduced by the gentleman from California [Mr. DOOLITTLE].

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

Mrs. CHENOWETH. Mr. Speaker, I thank the gentleman from Samoa [Mr. FALEOMAVAEGA].

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill H.R. 1439, 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.

HOOPA VALLEY RESERVATION SOUTH BOUNDARY ADJUSTMENT ACT

Mrs. CHENOWETH. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 79) to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe, as amended.

The Clerk read as follows:

H.R. 79

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 "Hoopa Valley Reservation South Boundary Adjustment Act".

SEC. 2. TRANSFER OF LANDS WITHIN SIX RIVERS NATIONAL FOREST FOR HOOPA VALLEY TRIBE.

(a) TRANSFER.—All right, title, and interest in and to the lands described in subsection (b) shall hereafter be administered by the Secretary of the Interior and be held in trust by the United States for the Hoopa Valley Tribe. The lands are hereby declared part of the Hoopa Valley Reservation. Upon the inclusion of such lands in the Hoopa Valley Reservation, Forest Service system roads numbered 8N03 and 7N51 and the Trinity River access road which is a spur off road numbered 7N51, shall be Indian reservation roads, as defined in section 101(a) of title 23 of the United States Code.

(b) LANDS DESCRIBED.—The lands referred to in subsection (a) are those portions of Townships 7 North and 8 North, Ranges 5 East and 6 East, Humboldt Meridian, California, within a boundary beginning at a point on the current south boundary of the Hoopa Valley Indian Reservation, marked and identified as "Post H.V.R. No. 8" on the Plat of the Hoopa Valley Indian Reservation prepared from a field survey conducted by C.T. Bissel, Augustus T. Smith, and C.A. Robinson, Deputy Surveyors, approved by the Surveyor General, H. Pratt, March 18, 1892, and extending from said point on a bearing of north 72 degrees 30 minutes east, until intersecting with a line beginning at a point marked as "Post H.V.R. No. 3" on such survey and extending on a bearing of south 15 degrees 59 minutes east, comprising 2,641 acres more or less.

(c) BOUNDARY ADJUSTMENT.—The boundary of the Six Rivers National Forest in the State of California is hereby adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section.

(d) SURVEY.—The Secretary of the Interior, acting through the Bureau of Land Management, shall survey and monument that portion of the boundary of the Hoopa Valley Reservation established by the addition of the lands described in subsection (b).

(e) SETTLEMENT OF CLAIMS.—The transfer of lands to trust status under this section extinguishes the following claims by the Hoopa Valley Tribe:

(1) All claims on land now administered as part of the Six Rivers National Forest based on the allegation of error in establishing the boundaries of the Hoopa Valley Reservation, as those boundaries were configured before the date of the enactment of this Act.

(2) All claims of failure to pay just compensation for a taking under the fifth amendment to the United States Constitution, if such claims are based on activities, occurring before the date of the enactment of this Act, related to the lands transferred to trust status under this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Idaho [Mrs. CHENOWETH] and the gentleman from American Samoa [Mr. FALEOMAVAEGA] each will control 20 minutes.

The Chair recognizes the gentlewoman from Idaho [Mrs. CHENOWETH].

Mrs. CHENOWETH. Mr. Speaker, H.R. 79, introduced by the gentleman from California [Mr. RIGGS] would transfer 2,641 acres of land to the Hoopa Valley Tribe of California. This land is currently part of the Six Rivers National Forest.

The south boundary of the Hoopa Valley Reservation contains a dogleg and as a result of the 1875 survey that left 2,541 acres out of the 6-mile square, H.R. 79 would straighten the boundary to reflect what many believe was the originally intended boundary of the reservation. Similar legislation was introduced in the 104th Congress, reported by the Committee on Resources and passed on the House floor, but the adjournment prevented final action on the bill in the Senate.

On May 8, 1997, the Subcommittee on Forests and Forest Health approved this amendment in the nature of a substitute to incorporate several technical changes recommended by the administration, and on May 21 the Committee on Resources reported the bill with an amendment to ensure that several Forest Service roads on the lands being transferred will remain open to the public after the transfer. The roads provide access to the public campground, the Trinity River and the national forest land.

Mr. Speaker, I thank all involved on both sides of the aisle for working with me, the gentleman from California [Mr. RIGGS], and the Hoopa Valley Tribe to develop language that everyone can agree on on H.R. 79. Additionally I would like to thank my colleagues, especially the gentleman from New York [Mr. HINCHEY], the subcommittee ranking member, the gentleman from California [Mr. DOOLITTLE], and the gentleman from Colorado [Mr. MCINNIS]

for their assistance with passage of these four bills.

So I urge this bill's passage, Mr. Speaker.

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

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

Mr. Speaker, as mentioned earlier by the chairman of the subcommittee, the gentlewoman from Idaho [Mrs. CHENOWETH], this legislation was introduced by the gentleman from California [Mr. RIGGS] and a similar piece of legislation was also introduced by Senator BOXER of California.

Mr. Speaker, H.R. 79 would transfer almost 2,640 acres of land currently within the Six Rivers National Forest in California to the Hoopa Valley Tribe to be held in trust for the tribe. This language includes an operating campground that is adjacent to the southern boundary of the reservation. There is question as to whether or not this land was intended to be part of the original reservation boundaries, but by looking at a map of the area one can conclude that may have been the case.

□ 1530

Regardless, the Forest Service has testified that it supports this transfer and believes that the tribe has the resources and expertise to effectively manage the area.

In fact, the Hoopa Valley Tribe is well-known as environmentally sensitive toward the stewards of their land. The tribe operates under a forest management plan which was adopted for the years 1994 through the year 2003. This management plan was developed with the collaboration of the World Wildlife Fund. In March of this year, the U.S. Fish and Wildlife Service issued a biological opinion finding that the Hoopa forest management plan would not jeopardize the northern spotted owl or any of the other listed endangered species.

Attached to my statement, Mr. Speaker, I include two letters from the tribe's representative. The first is to the office of the Secretary of the Interior, and the second is to Mr. James Lyons, the Under Secretary for Natural Resources and Environment at the Department of Agriculture. These letters explain the tribe's forest management plan and how we can expect the transfer of lands to be managed.

H.R. 79 makes clear that the roads within this area will be made part of the Indian reservation roads system within the Bureau of Indian Affairs assuring public access through the area and to the Trinity River.

I would like to thank the gentlewoman from Idaho [Mrs. CHENOWETH] and her staff for working with Democrats on this side of the aisle and for bringing to the floor this legislation for consideration. I hope that this will benefit the Hoopa Valley Tribe in the future, and I ask my colleagues to join me in supporting this legislation.

Mr. Speaker, I include the following letters for the RECORD:

HALL, ESTILL, HARDWICK, GABLE, GOLDEN & NELSON, P.C., ATTORNEYS AT LAW,

Washington, DC, April 15, 1997.

Re H.R. 79 Hoopa Reservation boundary adjustment.

HEATHER SIBBISON, Esq.,
Office of the Secretary, U.S. Department of the Interior, Washington, DC.

DEAR HEATHER: Attached is a letter to Agriculture Department Under Secretary James Lyons regarding the Hoopa Valley Reservation boundary adjustment legislation. It is in response to a draft proposal (also attached) from the Forest Service to amend H.R. 79. As the letter explains, the Hoopa Valley Tribe strongly disagrees with the proposed amendments. Also attached is Resource Committee Chairman Don Young's March 11 letter to T.J. Glauthier at OMB offering to move expeditiously on the bill. This followed Chairman Young's February 10 letter to Secretary Babbitt with the Committee's routine request for a bill report. In addition to those letters is T.J. Glauthier's October 2, 1996, letter to the Senate Committee on Indian Affairs clearing the bill for passage in the 104th Congress.

Please consider the following as you evaluate H.R. 79: The bill would transfer 2641 acres from the Forest Service in trust to the Tribe; Prior Forest Service sales harvested 915 acres of that total; and Under the Tribe's Forest Management Plan (FMP) (which has received a non-jeopardy biological opinion from the Fish and Wildlife Service as to any listed species, including the northern spotted owl).

Approximately 620 acres will be protected by the FMP's stream side protection zones (Class 1: 400 feet; Class 2: 200 feet; Class 3, 100); 330 acres will be subject to the FMP's wild and scenic river designation; 310 acres will be in the Trinity view shed; and 102 acres will be in northern spotted owl activity zones.

The portion of the 2641 acres designated as Late Successional reserve in the President's Forest Plan totals 1264 acres. By restoring the land to the Hoopa Valley Reservation and placing it under the Hoopa FMP, 1362 acres will be protected; that is, more than would be protected by the Late Successional Reserve designation in the President's Forest Plan. If you have any questions about this, please give me a call.

Sincerely,

JOSEPH R. MEMBRINO.

HALL, ESTILL, HARDWICK, GABLE, GOLDEN & NELSON, P.C., ATTORNEYS AT LAW,

Washington, DC, April 4, 1997.

Re H.R. 79—Hoopa Valley Reservation south boundary adjustment.

Hon. JAMES R. LYONS,
Under Secretary for Natural Resources and Environment, Department of Agriculture, Washington, DC.

DEAR UNDER SECRETARY LYONS: Following my conversation with you and Director of Lands Eleanor Towns on March 11, Director Towns forwarded to me a draft regarding five points she asked be considered in the review of H.R. 79. After consultation with the Hoopa Valley Tribal Council, I have been authorized to report the Tribe's response.

1. RESERVATION STATUS

The Tribe agrees with you and Director Towns that the land subject to H.R. 79 is to be made part of the Hoopa Valley Reservation and held in trust by the United States. It has always been the Tribe's position that the land be part of the reservation.

Director Towns stated that the reason for the proposed change in the text of the bill—by which she would add the phrase "acting through the Secretary of the Interior"—is to ensure that the Forest Service would have no trust responsibility for the land following its transfer to the reservation. That intent is contrary to federal law and administration policy.

The United States, not individual federal agencies, is the trustee of Indian reservation land. Thus, while direct administration of the federal trust responsibility for the Hoopa Valley Reservation may reside with the Secretary of the Interior, the Forest Service nevertheless is subject to the federal trust responsibility and is obligated to conduct its affairs accordingly. As you know, President Clinton emphasized his Administration's commitment to the federal trust relationship in his Memorandum on Government-to-Government Relations With Native American Tribal Governments (April 29, 1994, 59 Fed. Reg. 22951). Among other things the President directed that "Each executive department and agency shall assess the impact of Federal government plans, projects, programs, and activities on tribal trust resources and assure that tribal government rights and concerns are considered during the development of such plans, projects, programs, and activities." We do not believe that the proposed departure from H.R. 79's use of the standard legislative phrase for holding land in trust can be reconciled with the President's directive and request that it be withdrawn.

2. BOUNDARY ADJUSTMENT

On page 4 of Director Towns statement on H.R. 2710, the bill introduced in the 104th Congress on this matter, she states that "the National Forest boundary would need to be statutorily adjusted to exclude the lands transferred . . . ." Statement of Eleanor Towns before the Committee on Resources Subcommittee on Native American and Insular Affairs (July 17, 1997). The Committee responded by amending the bill to include the statement: "The boundary of the Six Rivers National Forest shall be adjusted to exclude the lands to be held in trust for the benefit of the Hoopa Valley Tribe pursuant to this section." House Report No. 762, 104th Cong., 2d Sess. 2 (September 4, 1996). The draft comments from the Forest Service forwarded to us now refer to alleviating the need "for an administrative boundary adjustment" by further amending H.R. 79 to read that the boundary "is hereby adjusted" instead of "shall be adjusted." This proposal additional amendment appears to us unnecessary; a distinction without a difference. In any event, the Forest Service gives no indication that an administrative adjustment based on the mandate in H.R. 79 would be burdensome, complex or anything other than a routine, ministerial action. It makes no sense to burden the legislative process with a cosmetic amendment.

3. RESERVATION OF EASEMENTS

The proposal to reserve easements in the land for Forest Service roads 8N03 and 7N51 is not acceptable. First, the land on which the roads are located was always understood to be the Tribe's. Director Towns and you both stated that your objective is to have

this land have the same status as the rest of the Hoopa Valley Reservation. The purpose of H.R. 79 is to eliminate a physical dogleg in the reservation boundary. It does not advance the ball to substitute a jurisdictional dogleg for a physical one. Second, Director Towns states that the Tribe's history of providing access across its roads to the non-Indian community whose land would otherwise be inaccessible for timber harvest, recreation, cattle grazing and other uses cannot be considered precedent for how the Tribe will manage the land to be transferred by H.R. 79. That charge is unsupported and unsupportable. The Tribe is baffled, to say the least, by the idea that it would spite landowners in the Six Rivers community by shutting down access to adjacent lands once it obtains jurisdiction over the two roads. We do not know the source of this speculation and have had a very different impression from the local Forest Service personnel. On April 3, the Hoopa Valley Tribe hosted a meeting of the interagency advisory committee for the President's Northwest Forest Plan. At that meeting, Six Rivers Forest Supervisor Martha Kettelle said that she supports the transfer proposed in H.R. 79 and will work with the Tribe upon enactment to build the Service's government-to-government relationship with the Tribe on cooperative access to the roads affected by the transfer. At the end of the day, the proposal to reserve easements, and the speculation underlying it, cannot be reconciled with President Clinton's memorandum on government-to-government relationships referred to above in which he instructed government agencies undertaking activities affecting tribal rights or trust resources to implement them in a "knowledgeable, sensitive manner respectful of tribal sovereignty."

4. MANAGEMENT CONSISTENT WITH THE PRESIDENT'S NORTHWEST FOREST PLAN

The Hoopa Valley Tribe has adopted a Forest Management Plan for the period 1994–2003 (Tribal Resolution 94–19, April 20, 1994) (Hoopa FMP). The Hoopa FMP's development was in part guided by the principles that emerged from the Tribe's collaboration with the World Wildlife Fund in development of an integrated resources management approach to reservation resources. The Hoopa FMP accounts for endangered and threatened species listed pursuant to the Endangered Species Act. The Tribe identified 5 plant and animal species listed under the act that are present, or suspected to occur, on the Hoopa Valley Reservation including the Northern Spotted Owl. The Hoopa FMP's minimum management requirement for listed species includes abiding by 50 C.F.R. Part 17 which sets forth the requirements established by the United States Fish and Wildlife Service for "surveying, submission of biological assessments on all proposed actions, receiving biological opinions on all proposed actions, and abiding by recovery plans if in effect." Hoopa FMP at 26. With specific regard to the spotted owl, the Hoopa FMP provides:

Meet surveying requirements of the USFWS accepted protocol (March 7, 1991 revised March 17, 1992 and any subsequent revisions). Complete biological assessments including mitigations which address the USFWS past conservation recommendations and any seasonal restrictions necessary then submit to USFWS. If conservation recommendations are not included in a project's planning documents then justify their exclusion in the biological assessment. General timber sale planning will include no harvest of 70 acre owl activity centers unless a Habitat Conservation Plan or other mechanism has been completed and accepted by the USFWS which allows such harvest. Allow no disruptive harvest related activities, such as but not limited to, any harvest activity, road building, tractor piling, burning, thin and release, etc. within 0.25 mile of known activity centers during the breeding season (Feb. 1 to Aug. 1 each year) or until the pair has been determined to be not nesting, or the nesting attempt has failed. Receive biological opinion from USFWS and assure that all guidelines, mitigations and conservation recommendations from the biological assessment (BA) and biological opinion (BO) are adhered to during the implementation of the project—Hoopa FMP at 26–27.

On January 10, 1997, the Hoopa Valley Tribe and the Bureau of Indian Affairs requested the Fish and Wildlife Service pursuant to section 7 of the Endangered Species Act to engage in a formal consultation to develop a biological opinion on the Hoopa FMP and its effects on the five species referred to above, including the Northern Spotted Owl. By letter of March 12, 1997, the Service transmitted its biological opinion that the implementation of the Hoopa FMP will not jeopardize the Northern Spotted Owl or any of the other listed species (Biological Opinion No. 1–14–97–F–3). This opinion is consistent with the Tribe's policy of using extraordinary care in the Hoopa FMP to protect the reservation plant and wildlife resources. Of course, the land to be transferred by H.R. 79 will be integrated into the Hoopa FMP.

President Clinton's memorandum on government-to-government relations states that he is "strongly committed to building a more effective day-to-day working relationship reflecting respect for the rights of self-government due the sovereign tribal governments." In this case the Hoopa Valley Tribe has embraced that relationship and worked carefully, professionally, and in the spirit of the federal wildlife conservation effort for the Northern Spotted Owl and all species on the Hoopa Valley Reservation. In view of the Fish and Wildlife Service's conclusion and the President's memorandum on government-to-government relations, the proposal to amend the bill is both unnecessary and inappropriate.

Finally on this point, we note a practical political consideration. H.R. 79 has been assigned to the Subcommittee on Forests and Forest Health which is chaired by Rep. Helen Chenoweth. Her antipathy toward the President's Northwest Forest Plan is well-known. We are afraid that the proposal to amend H.R. 79 to require the Tribe to manage the land pursuant to the President's plan will be seen by opponents of the Administration as an attempt to use legislation for the benefit of the Tribe as a subterfuge to have Congress affirm the President's plan. If the subcommittee makes the President's plan an issue in H.R. 79, we believe that politics could overwhelm the merits of H.R. 79 and defeat the bill.

5. SETTLEMENT OF CLAIMS

This provision for claims waiver is unnecessary and, in any event, over broad. H.R. 79 is not the settlement of a legal claim. This is a policy matter regarding fair and honorable dealings between the United States and the Hoopa Valley Tribe. In addition, the disclaimer refers to events occurring prior to enactment of H.R. 79 unrelated to the south boundary. The Tribe wonders why this clause is in the bill; it would appear to be an attempt to eliminate responsibility for any latent damage to the land such as might have occurred from deposition of toxic chemicals or other activities under the direction of the Forest Service. We know of no such event having occurred and would like to assume that the Forest Service has none in mind either. Also, the final proviso regarding a bar to any compensation for restrictions is unacceptable. It would strip the Tribe of Fifth Amendment protection against loss of property rights caused by Congress' future imposition of land use restrictions that otherwise would be compensable. Seeking this kind of a provision in the bill runs counter to the spirit and substance of the President's memorandum on government-to-government relations with the Tribe and would put the Tribe at a disadvantage with respect to all other property owners.

CONCLUSION

I hope you will be persuaded that the Forest Service's recommendations to amend H.R. 79 are not appropriate. I would also encourage you to coordinate with the Department of the Interior on those issues related to the Indian affairs and fish and wildlife programs raised in the draft. The draft proposals are not mere details but go to the heart of the relationship between the Tribe and the United States and the purpose of H.R. 79. Resources Committee Chairman Don Young wrote to Associate OMB Director T.J. Glauthier on March 11 in an extraordinary gesture to move forward expeditiously on H.R. 79. With this favorable reception in the Congress, there is every reason to advance the bill without further delay. Your attention to this is appreciated.

Sincerely,

JOSEPH R. MEMBRINO.

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

Mrs. CHENOWETH. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. RIGGS].

Mr. RIGGS. Mr. Speaker, I thank the gentlewoman from Idaho [Mrs. CHENOWETH], my very good friend and the distinguished chair of the Subcommittee on Forests and Forest Health, for yielding me this time. I also want to thank the gentleman from Alaska [Mr. YOUNG], chairman of the full Committee on Resources, and of course our Democratic colleagues who both last year and this year worked on a cooperative, bipartisan basis to help advance this legislation.

Mr. Speaker and colleagues, the bill before us now on the floor under suspension of the rules, I introduced on January 7 of this year, the first day of the 105th Congress. It is for me a very high personal legislative priority, because it would convey to the Hoopa Valley tribe in Humboldt County, CA, land to restore the tribe's reservation to its original intended, agreed-upon boundary. This boundary is intended to be a perfect square.

This legislation is virtually identical to House Resolution 2710, which I sponsored in the last Congress. That bill passed the House by a voice vote on September 11, 1996. It was then cleared on a bipartisan basis for unanimous-consent approval by the Senate, and a representative of the Clinton administration wrote that the President would sign the bill. However, to my great regret, the Senate adjourned for the year

and for the Congress before the legislation could be acted upon. Again, that is why I have made this legislation a high priority for action this year and why I greatly appreciate the help and support of my colleagues in moving this legislation.

As my colleagues have heard, the bill would transfer to become a permanent part of the Hoopa Valley Reservation, part of the tribe's tribal lands, approximately 2,641 acres of land that is now held by the U.S. Forest Service. For as long as 10,000 years, the Hoopa Valley Tribe has lived in the Hoopa Valley, beginning their settlement at the mouth of the Trinity River Canyon. As early as 1851, a proposed treaty would have established a reservation actually encompassing an area larger than the present reservation.

Although Congress conveyed 93,000 acres of land to the tribe in the 1800's, the boundary survey excluded over 2,600 acres that belonged to the tribe at that time. In restoring that land, the 2,600 acres at the southeast corner of what otherwise would be a 12-mile square, the bill would eliminate a dogleg in the south boundary in the present reservation correcting this action.

This irregular dogleg in the boundary was apparently done to accommodate some non-Indian miners in the area who were pursuing State claims, and although those claims soon played out and the miners left the area, this boundary was never changed and this inequity was never corrected.

The land is administered, as I mentioned, by the Forest Service. It is part of the Six Rivers National Forest. The original timber on the parcel was sold off by the end of the 1970's to the benefit of the Federal Treasury and Federal taxpayers. The area to be transferred includes Tish-Tang Camp Ground, a Forest Service facility. The Hoopa Valley Tribe has stated publicly, and I believe that this is a very firm commitment, that it will continue to operate Tish-Tang as a public campground. This will be particularly important if budget reductions necessitate reductions in the Forest Service campground operations and maintenance.

Furthermore, the tribe has assured that public access to the gravel bar at Tish-Tang in the Trinity River will continue. This is very important to local citizens, my constituents in the community of Willow Creek, which neighbors or borders the reservation. It is also important to the people who regularly use the river for recreational and business purposes.

Some minor amendments, Mr. Speaker, have been made to the bill in committee, and the administration has indicated it can approve the measure in this form, as the distinguished ranking member indicated.

Mr. Speaker, members of the tribe have long been outstanding stewards of California's north coast environment, and they have been recognized for their efforts to help restore fish and wildlife habitat in the Trinity River Basin. This transfer proposed by this bill would permit the tribe's long-standing land management and economic development policies to be extended to the restored lands, the lands to now be assumed by the tribe.

The boundary should be adjusted to reflect the original intent of Congress. This is a matter of basic fairness and return to the members of the tribe what is truly theirs, and I urge my colleagues' approval of the bill.

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

At this time I would be remiss if I do not express my sense of commendation to the ranking member of the subcommittee, the gentleman from New York [Mr. HINCHEY] certainly for his contributions and his attentiveness to these measures, three measures previously that we passed and H.R. 79 that is now up for consideration. I certainly thank the ranking Democrat on this side of the aisle, the gentleman from California [Mr. MILLER].

It is my understanding, Mr. Speaker, that this is the first opportunity that the gentlewoman from Idaho [Mrs. CHENOWETH], the chairman of the subcommittee, has had to manage these four pieces of legislation, and I want to add my commendation to the gentlewoman for her leadership and certainly for successfully bringing these four pieces of legislation to fruition. Certainly I have a very strong feeling that it will have the support of our colleagues here on the floor of the House.

Again, I commend the gentlewoman for her fine leadership in bringing these pieces of legislation for consideration.

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

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

I want to thank the gentleman from American Samoa [Mr. FALEOMAVAEGA] for his fine comments and also thank him for his time and his efforts in helping our committee be successful in ushering these bills through. Without his good work, it could not have happened.

I also want to thank the gentleman from New York [Mr. HINCHEY], our ranking minority member, for his good work.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Idaho [Mrs. CHENOWETH] that the House suspend the rules and pass the bill, H.R. 79, 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. CHENOWETH. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1019, H.R. 1020, H.R. 1439, H.R. 79, the bills just passed, and on H.R. 1420, considered earlier.

The SPEAKER pro tempore (Mr. MILLER of Florida). Is there objection to the request of the gentlewoman from Idaho?

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until approximately 5 p.m. today.

Accordingly (at 3 o'clock and 39 minutes p.m.), the House stood in recess until approximately 5 p.m.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore [Mr. STEARNS] at 5 o'clock p.m.

NATIONAL WILDLIFE REFUGE SYSTEM IMPROVEMENT ACT OF 1997

The SPEAKER pro tempore. The pending business is the question of suspending the rules and passing the bill, H.R. 1420, 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 Alaska [Mr. YOUNG] that the House suspend the rules and pass the bill, H.R. 1420, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 407, nays 1, not voting 26, as follows:

[Roll No. 156]

YEAS—407

Abercrombie	Berman	Bryant
Ackerman	Berry	Bunning
Aderholt	Bilirakis	Burr
Allen	Bishop	Burton
Archer	Bliley	Buyer
Armey	Blumenauer	Callahan
Baesler	Blunt	Calvert
Baker	Boehlert	Camp
Baldacci	Boehner	Campbell
Ballenger	Bonilla	Canady
Barcia	Bonior	Cannon
Barr	Bono	Capps
Barrett (NE)	Borski	Cardin
Barrett (WI)	Boswell	Carson
Bartlett	Boucher	Castle
Bass	Boyd	Chabot
Bateman	Brady	Chambliss
Becerra	Brown (CA)	Chenoweth
Bentsen	Brown (FL)	Christensen
Bereuter	Brown (OH)	Clay

Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dingell
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Flake
Foglietta
Foley
Forbes
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Molinari
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—1

Paul

NOT VOTING—26

Andrews
Bachus
Barton
Bilbray
Blagojevich
Clayton
DeFazio
Dicks
Dixon
Doggett
Ensign
Farr
Ford
Furse
Hilleary
Hunter
Lantos
Lewis (CA)
Payne
Pickering
Rohrabacher
Sanford
Schiff
Smith, Linda
Stump
Thompson

□ 1735

So (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mr. FORD. Mr. Speaker, due to a delay in the flight from my congressional district, I was unavoidably detained and thus was unable to vote on rollcall vote 156. Had I been present, I would have voted "aye."

PERSONAL EXPLANATION

Mr. SANFORD. Mr. Speaker, unfortunately my plane was delayed and I missed the vote on H.R. 1420, the National Wildlife Refuge System Improvement Act. Had I been here to vote, I would have supported the bill.

PERSONAL EXPLANATION

Mr. PICKERING. Mr. Speaker, I was unable to return to Washington, DC, today due to a death in my family and missed the following vote:

Rollcall vote No. 156, passage of the National Wildlife Refuge System Improvement Act (H.R. 1420). Had I been present, I would have voted "aye."

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1438

Ms. CHRISTIAN-GREEN. Mr. Speaker, I ask unanimous consent to have my name removed as a cosponsor of the bill, H.R. 1438.

The SPEAKER pro tempore (Mr. STEARNS). Is there objection to the request of the gentlewoman from the Virgin Islands?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Lundregan, one of its clerks, announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a concurrent resolution of the House of the following title:

H. Con. Res. 84. Concurrent Resolution establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.

The message also announced that the Senate insists upon its amendment to the resolution (H. Con. Res. 84) "A concurrent resolution establishing the congressional budget for the United States Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002." and requests a conference with the House on the disagreeing votes of the two Houses thereon and appoints Mr. DOMENICI, Mr. GRASSLEY, and Mr. LAUTENBERG to be the conferees on the part of the Senate.

APPOINTMENT OF CONFEREES ON HOUSE CONCURRENT RESOLUTION 84, CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

Mr. KASICH. Mr. Speaker, pursuant to clause 1 of rule XX and at the direction of the Committee on the Budget, I move to take from the Speaker's table the concurrent resolution (H. Con. Res. 84) establishing the congressional budget for the U.S. Government for fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002, with a Senate amendment thereto, disagree to the Senate amendment, and agree to the conference asked by the Senate.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The gentleman from Ohio (Mr. KASICH) is recognized for 1 hour.

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

In an effort to try to move this along, Mr. Speaker, there really is not a reason, I do not believe, to get into any kind of protracted debate or discussion here. This is just no more than an effort to go to a conference, a conference that I have labeled the fait accompli conference.

There is not a whole lot that has to be done. We have an agreement between the administration and the Congress of the United States, and frankly we ought to get about it. We ought to get it done this week, which we will get done this week.

Just in a nutshell, I think we do need to know that this will provide for us

the first balanced budget since 1969, since Neal Armstrong walked on the Moon. It will be the largest amount of entitlement savings. It will be the first balanced budget since 1969. It would also contain over the next decade about $700 billion in savings in mandatory spending, including very significant reforms of Medicare. The Medicare savings will be approximately the same amount of savings that the Republicans proposed in 1995.

It will also have some structural changes. It is not just about dollars. There will be some adjustment between the rural and urban reimbursements as part of the ability to give our senior citizens more choice.

Furthermore, it will now begin to pay the skilled nursing facilities and home health care providers a prospective amount, similar to how the hospitals work, in an effort to try to contain the costs of Medicare. We think these are obviously significant, combined with the fact that the shift of home health care from part A to part B will be kept in the premium, which will mean that beneficiaries in fact will bear a part of the burden, with the poorest beneficiaries continuing to have some relief.

It is a structural change of Medicare with far more yet to come, and we will be unrelenting in the idea of developing ultimately a voucher program for Medicare that will keep it sound during the period of time when the baby boomers start to retire.

But what is also contained in this budget resolution is an agreement to fundamentally have growth in the nondefense discretionary programs, the programs that operate the agencies and departments of the Federal Government. They will grow at a rate of about half a percent a year, as compared to a 6-percent growth over the last 10 years.

Frankly, I am still checking the numbers, but I believe this will be the smallest level of growth in nondefense discretionary spending that we have seen at least over the last 10 years, and we are going back to find out if it may be the smallest level of growth that we have ever seen; significant progress.

Let me also suggest the economic foundation of this program. It is interesting to note that during the Reagan years, the Reagan economic plan was underlaid by a growth in the economy that forecast somewhere in the vicinity of 4.3 to 4.4 percent. That is a growth rate we dream about today and we would hope to achieve, but not one that has been achieved for a long time.

Mr. Speaker, contained in this agreement is not a 4.4-percent projection of economic growth that would make it somewhat unrealistic. What is contained in this agreement is a 2.1-percent economic growth pattern. As we all know, the economy in this last quarter has grown at about 5.6 percent. Certainly we will not achieve those levels of growth in this agreement, but what is important to note is that 2.1-percent presumes that at some times the economy will grow faster and at other times it will not grow as fast. We believe this is a conservative foundation, a conservative economic forecast, much more conservative than the blue chip estimators across this country.

So what we have, Mr. Speaker, is we have the largest amount of mandatory savings in history, a significant slowdown of the nondefense discretionary, the programs that run the Government to a half a percent a year, conservative economics underlying this program, the first balanced budget since 1969, and, Mr. Speaker, the much desired and fought for tax cuts that we believe will help the American family and will also help to grow this economy.

Let me just make a point. The capital gains tax cut in our judgment is one of the things that can help build an infrastructure for America that will allow this economy to grow faster in the absence of inflation. We think that is very, very significant.

We also believe that a child tax credit is very important because it begins to send the right signals to that institution most under attack in the United States, the American family. We believe it will also restore a little justice in the area of estate relief, so as people work a lifetime to grow a business, they should not have these high levels of taxation.

Mr. Speaker, let me also make it clear that this is not the end of the road. We clearly have a number of things we want to do in the area of additional entitlement reform. We want to make fundamental changes in the operation of this Government, including the elimination of certain departments.

□ 1745

Let me make it clear that the hallmark of this Congress has been and really the last two Congresses has been the idea that we are going to return people's power, money and influence from this city back home to where the American people live. And that includes tax cuts. That includes letting people have more power in their pocket by letting them keep more of what they earn. So no one should be mistaken that this agreement is somehow the end of the road, but, really, it does represent the fall, the kind of the fall of the Berlin Wall.

I remember when that happened, and many people looked around and said that it was hard to believe that we had actually defeated the Communists when the wall came down. Many found it hard to believe. Frankly, when you take a look at this agreement and you see the fact that we are going to balance the budget, we are going to have entitlement reform, we are going to have tax cuts, that this begins to really cement into place that the era of big government is at an end, and in a manner of speaking the Berlin Wall has fallen in regard to this budget.

It does not mean it is the end of the day, but it means that a tremendous victory has been achieved here in the United States, an agreement underscored by the idea that Government should be smaller, that people should be more powerful. We think this is a giant first step with many more steps to come.

So, Mr. Speaker, I would urge that we would go to conference, complete our work, get this done by the end of this week, and then begin to put into the permanent law the changes that we all seek.

One other final note. Some have looked at this agreement and have wondered whether we get started on the deficit reduction up front. The answer to that of course is yes. With the permanent changes in the entitlement programs being enacted in this year, over time they will obviously accumulate savings. We are very happy with the fact that this, unlike previous agreements, will actually give us tax relief now, will give us savings now, and entitlement savings beginning the minute that this reconciliation bill is signed by the President.

I wanted to thank the President for cooperating with us and his assistants, including Mr. Bowles and Mr. Hilley, Mr. Raines, Mr. Sperling; and I would also like to thank the gentleman from South Carolina, Mr. SPRATT for his work and, of course, the gentleman from New Mexico, Senator DOMENICI.

Mr. KASICH. Mr. Speaker, for purposes of debate only, I yield 30 minutes to the distinguished gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, we passed on the House floor before we left here for Memorial Day a historic resolution and we passed it with bipartisan support. Budget resolution House Concurrent Resolution 84 was passed on this side of the aisle on the Democratic side with a vote of 132 to 70, if my recollection is correct, almost a two-to-one margin over here and by an overwhelming margin on the other side. What we do in this budget resolution really pushes the envelope of what we can accomplish in a budget resolution. We have basically incorporated by reference a hard wrought, hard negotiated, bipartisan budget agreement of 1997, achieved over 3 to 4 months of negotiations, among the White House and the congressional leadership and particularly the principals on the Committee on the Budget.

Even though this agreement goes to further lengths than we normally find in a budget resolution, it really does not contain all of the detail we need to see that it is carried out as the parties

who negotiated it intended. That is why I say we are pushing the envelope of what we can accomplish with a budget resolution.

It is important that we bring this conference report to conclusion, to closure with as much clarity and distinctness as we can possibly give it, given the vehicle we have got, a budget resolution, because many of us are still concerned that what comes out of the production line, off the production line, out of the authorizing committees and appropriation committees will resemble, identifiably, what we are putting on the production line at the outset in this budget resolution.

So the start of this process, the seeing to it that we get it done right is this conference report, and so I wholly support the idea of going to conference.

We tried an alternative, an expedited alternative that would have involved bringing to the floor of the House and the other body conforming amendments that would have in effect converged the text of both budget resolutions to the same text. But we have failed at that effort. It does not appear we can resolve that soon enough, so this is the conventional device for bringing the House and the Senate together on things we disagree about.

We will offer at the appropriate time, assuming the House approves the motion to going to conference, our motion to instruct conferees that will deal with one particular aspect of this agreement that still concerns Members on my side of the aisle. Some of these Members, our minority leader included, were here in 1981 when the Economic Recovery Tax Act, Kemp-ROTH, was passed. And they feel that we are only now beginning to restore the revenue base of the Federal Government to the point where we are about to get rid of deficits.

They do not want to have us come so far to be so closely within reach of a balanced budget because we have taken steps, among other things, to restrain spending and also to restore the revenue base of the Government, having come so far to enact a tax bill that will so diminish the revenue base of the Government that we will have this problem all over again, a structural problem that will not lead us to a balanced budget or at least will strike a balance, a budget that will strike a balance in 2002 but will not be in true equilibrium. We will not have a problem finally and permanently resolved. That is why they are concerned that we keep within the bounds that we have outlined in this agreement, this budget agreement and the budget resolution, the tax cuts that are authorized and the reconciliation instructions that are put forth to it.

Our motion to instruct conferees will go to the very essence of that particular tax reduction measure that will be part of the reconciliation instruction and the budget conference agreement.

Mr. Speaker, I yield 4 minutes to the gentleman from Michigan [Mr. BONIOR], minority whip.

Mr. BONIOR. Mr. Speaker, I thank my colleague for yielding me the time.

I want to commend him, the gentleman from Ohio [Mr. KASICH], and all those who worked on this budget agreement. Let me just say at the outset that I think the vote that we will have shortly on this floor this evening could be one of the most important votes that we will have in this Congress. The motion to instruct our conferees to make sure that the tax piece of this budget agreement does not explode in the outyears causing us a replay of 1981, where it took us more than a decade to dig our way out of huge deficits.

It is an important vote. I encourage all of my colleagues to be cognizant of what will be happening here in just a few minutes. It is important because we knew, we know what happened back in 1981. In the past, Republican tax bills, tax breaks for capital gains, IRAs, have favored high income people, and estate tax cuts all exploded outside the budget window. That has been the history in the past when Republicans have controlled or have written the tax bills that have become law.

What we will be suggesting on this floor when we get to it in a few minutes is that we accept the language of the Senate. The language of the Senate basically says this: that they want to keep the $250 billion cost that we are talking about on the tax bill on a 10-year period. No explosion after 5 years. No 1981's again. And the emphasis will be on helping the poor working Americans and middle-income Americans and it will be helping them with the child tax credit. It will be helping them with the educational tax breaks that we will be putting forward and that have been put forward already in this debate on the budget.

So I urge my colleagues, this is a maintenance budget that we are dealing with here. We brought the American people and we brought this country into a balanced budget in 1993, when we voted for the 1993 budget that brought the deficit down from $300 billion a year to the present level of about $65 billion. What we are doing now is trying to maintain and get that extra inch that we need to the goal line.

If we do what we did with trickle-down theory in 1981 and we pass a tax bill that has exploding numbers in the 6th, 7th, 8th, 9th and 10th year, we will be doing a disservice to this institution, our colleagues who follow us and certainly the American people.

I want to urge all of my colleagues to support the motion this evening to put some fiscal restraint on what we are doing by making sure that the tax benefits get to those who really need them in the area of education and in the area of child tax credits and make sure that we do not create for ourselves a situation in which our children and our children's children will be paying off this exploding debt in the 6th, 7th, 8th, 9th, and 10th years. I urge my colleagues, when the time comes, to support my colleague from South Carolina who will try to rein in these exploding outyear deficits by a runaway tax bill.

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from Washington [Mr. McDERMOTT].

Mr. McDERMOTT. Mr. Speaker, today we have an opportunity to do something which I cannot see any reason why anybody would not do. And that is to make sure that the tax breaks that are put into this bill do not explode in the outyears. The estimates that we have seen on the proposals that have actually been put on the table by Senator ROTH and others have deficits of $750 billion in the second 10 years. And if anyone votes against this resolution, they can only do it on one of two bases. One is that they do not care that we are replaying 1981. In 1981 we made decisions in this House, none of us were here, most of us were not, at least, and it took us 15 years to dig ourselves out of it. Now here we are going back in the pit again and doing the same thing again and setting ourselves up unless we instruct our conferees to refuse to put that kind of language in the budget resolution. They must limit the explosion in the outyears.

The only other reason that someone would vote against this resolution or this motion by the gentleman from South Carolina [Mr. SPRATT] is if they simply do not expect to be here.

I understand there are a lot of Members around here who believe in term limits. Maybe they figure in 6 years they will all be gone, but the very Members who are here today saying we must balance the budget always put it in terms of our children. We have to do it for our children. We do not want to sink our children in debt. Yet if we do not limit the tax breaks by the motion that the gentleman from South Carolina [Mr. SPRATT] is making, we set in motion something that will happen 10 or 12 or 15 years out there.

If you are a baby boomer in this country and you are going to get to 65 in 15 years, just as the baby boom generation gets to taking Medicare and Social Security, this major problem will be back on the doorstep.

□ 1830

Who will be here to fix it? Well, it will be our children. They will have then run for the U.S. Congress, and they will be facing the same problem. They will say to themselves, why did the Congress of 1997 set in motion this mess?

We can almost excuse the Congress of 1981, because they did not know. They

were not really paying attention or they did not know what was going to happen. But we have now seen what happens when we give big tax breaks and cut the budget, and so we have no excuse for setting in motion something that will be an enormous problem for our children.

I urge all my colleagues to vote for the motion to instruct the conferees offered by the gentleman from South Carolina [Mr. SPRATT].

Mr. SPRATT. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, the motion before us is one that ought to be accepted by acclamation, both parties, staying within the spirit of this historic balanced budget agreement.

As a member of the Committee on the Budget, I enthusiastically supported the agreement. I supported it because I felt it represented a compromise, a compromise that provided Americans with a balanced budget, with tax cuts, and yet with essential commitments to programs and national priorities that reflect our basic values.

Now, what is before us tonight in the motion to instruct conferees offered by my colleague from South Carolina is simply to go with the Senate provision 104(b) of the Senate-passed resolution that the 10-year cost of the tax cuts shall be $250 billion and, second, with section 321 of the Senate-passed resolution that there ought to be a fair distribution of tax cuts as to the $250 billion.

This is not a figure that has just come up on the floor of the House, thrown into this motion. It was at the heart of the negotiations. It was at the heart of the negotiations because the Senate requires a 10-year look at revenue losses under tax cuts, first of all; and, second, because a balanced budget plan that tried so mightily to reach balance by 2002 would be a sham if it had a provision that exploded the revenue loss under the tax cuts and threw the budget wildly out of balance in the years 2003 through 2007.

This is not about hitting once a balanced budget only to spin wildly out of control again. This is about getting America on a firm financial foundation with a balanced budget in the year 2002 and in the years that follow that. That is why the 10-year $250 billion figure is so critical.

Finally, as we get to tax breaks, let us direct those tax breaks to those who really need them, the middle-income, working-income Americans that are stressed so hard trying to make ends meet. That was agreed to by the Senate, a Republican-controlled Senate, with substantial support from both political parties.

This section 321 talks about a substantial majority of tax cuts benefits will go to middle-class working families earning less than approximately $100,000 per year and will not cause revenue losses to increase significantly in the years after 2007.

So all we are asking is that this balanced budget agreement reflect balance not just in 2002 but in the years after 2002, and that those who benefit from the tax cuts primarily be Americans earning under $100,000 and less. Quite frankly, we have to make priorities and we have to direct the tax cuts to those who need them the most, working-income, middle-income Americans. Please go with the motion to instruct.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Just in response, Mr. Speaker, I would hope we all keep track of some of our goals in this country and what I assume we all want to accomplish, and one thing is more and better jobs.

So the question, as we review tax cuts, is how do we get more and better jobs and keep this economy growing?

So to specify and say that the tax cuts have to be just to a certain income group, I think dismisses the larger question of how can we best accomplish the goals that we all want to achieve, and that is more and better jobs for the American working family.

Mr. KASICH. Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I am not quite sure what this motion to instruct is. I hope it does not include in here a tax increase, but I am constantly amazed at the fact that people, some people in this House, worry that people are going to get their money back. I cannot quite understand why it is that there is this sense.

We are pulling the folks who for many years fought against the balanced budget and tax cuts a lot of the way, but I guess I am not convinced we have changed their hearts yet. Maybe we will get there. But what I do not understand is what this sense is that somehow the Government will have less and the people will have more. See, I think that is a good thing, if the Government has less and the people have more. I think it is a good thing if the Government has less power and the people have more power.

Now, there are all kinds of ways we can give people their power. We can give them a right to send their kids where they want to go to school without the Government trying to tell them where they ought to go.

We could actually let the housing authority in Chicago decide that if they want to check the residents to see if they have got guns in their place, they should be allowed to do that. We ought to set the rules that we want in our housing authorities and the communities we live. I think that is pretty good.

I think we ought to let people have more choice on the kind of health care they want to have. I think they can make that kind of decision.

But aside from even those issues, a much bigger issue than all of that is the fact that people will have more money in their pockets. And when they have more money in their pockets they, by definition, have more power.

So I understand the idea that we do not want to violate the terms of this agreement. That is, I guess, to be adhered to. But, frankly, I wish we had far greater tax cuts in this agreement and second, though, the notion that somehow over the course of this that people are going to actually keep more than what we set out and that we are in this hyperventilated negative state about that is something that is beyond me.

The simple fact of the matter is that if we balance the budget faster, I do not hear anybody saying that we should give people more of their money back. I do not hear anybody saying that we in fact may get to a balanced budget sooner, and as we get to a balanced budget sooner, let us give more tax cuts.

I have to say to my colleagues that the wave of the future is not about the Government having more power. The people of this country are saying they want government to have less power. We better not knock on their door and tell them that we are from the Government and we are here to help. We are not going to get that good a reception from them, in case my colleagues have not noticed.

Our crusade ought to be about giving people their power back, about making this town less important. And that is what we are all about. That is what we are all about starting in this budget agreement: Balanced budget, hope for our children, tax cuts to give people more power, Medicare reform so people can have more options, shrinking the size of the Government that operates the agencies and departments. That is what we are all about in this agreement.

I am just going to argue that the reason we are balancing the budget is because the people want it, and the reason why they ought to have tax cuts and less government is because they want it, and the sooner we get this message the quicker we can end the cynicism and the skepticism people have about this Capital City of the United States.

Mr. Speaker, I would hope that, frankly, we could even dispense with this motion to instruct because now we are trying to micromanage who gets the tax cuts. We are starting class warfare again. And then I think we are saying we will have a tax increase. That is what I think this says.

Frankly, I hope it is not going to pass. I predict it is not going to pass.

And I think we should get on with this and forget this motion to instruct and I would ask the gentleman from South Carolina to just unoffer this today.

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes to respond to the gentleman.

I think we all need to bear in mind that basically what we are doing in this budget resolution for the next 5 years is borrowing more money so that we can fund the cost of tax cuts. Bear that in mind.

Second, what we are trying to do in this motion to instruct, which we will offer shortly, is say to the conferees stick to the strict outlines of the budget agreement that we have laid out.

We have decided that we can make room for $85 billion in net revenue reduction over 5 years in this budget and $250 billion over the second 5 years. Those are the limits. Please do not stretch the limits because we are concerned not just that we strike balance in the year 2002, but that we put this Government on a basis of equilibrium and we will have a truly balanced budget that will last.

As to the revenues of the Government, here is the administration's design, which is basically incorporated in this package and which is what they sent up with the budget presented by President Clinton in February of this year. The Government of the United States is now spending around 20.3, 20.4 percent of GDP, gross domestic product. We are taking in taxes about 19.1 or 19.2 percent. And there is the deficit, the difference between the intake and the outgo of the Government based upon the percentage measured as a percentage of our GDP.

The goal here, the design of this package, as proposed by the administration, as essentially embraced in this budget resolution, is to have revenues and spending converge at about 19.3 percent of GDP. So spending as a percentage of GDP under this plan will drop, revenues will remain relatively constant, and that is the scheme here. We want to make sure that scheme is achieved, and that is what we are about.

Second, in doing these tax cuts, we want to make sure that the people who really deserve tax relief, middle-income Americans worried about how to pay for college tuition and other such essential things, are not forgotten.

I know there is a lot of zeal to do capital gains tax cuts and estate tax cuts and to rewrite the alternative minimum tax, and in the zeal to do that we want to make sure that middle-income Americans get remembered too.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota [Mr. MINGE].

Mr. MINGE. Mr. Speaker, those of us on the Committee on the Budget have worked on this budget resolution, and although there is partisanship in some areas, I think that many of us feel that we have had and would like to have a good working relationship with the chairman of the committee, the gentleman from Ohio [Mr. KASICH], and with the other Members who have spoken. I certainly sense from their comments in other contexts that they too feel we should be working on a bipartisan basis to the maximum extent possible.

Now, the comments earlier this afternoon, I think, sort of missed the thrust of what we are really debating. The statements were essentially made "people good, government bad." We are not talking about "people good, government bad"; we are talking about what we need to do to ensure that we balance the budget. What do we need to do to make sure that the tax cuts do not balloon out of the channel that we are trying to construct and flood our efforts or snuff out our efforts to balance the budget.

□ 1815

And all that is being suggested is that we in the House side should accede to the Senate in this respect. I do not believe that the Senate was dominated by radical liberals in the passage of the budget resolution. The Senate has looked at this and has simply said, let us make sure that on a 10-year basis the tax cuts do not exceed $250 billion. The Senate has also said, let us make sure that these tax cuts do not run away with our efforts to balance the budget after the 10-year period. And the Senate has said, let us make sure that the bulk of the tax cut benefits go to people earning less than $100,000 a year.

Now, if the Senate has engaged in some sort of destructive and manipulative action with respect to tax cuts, those horrible Republicans in the Senate, or if they have initiated a class warfare strategy, it certainly is a surprise to me and I think almost every Member of the House. I think that what the Senate Republicans have put into the budget resolution on their side reflects nothing more than common sense, and I certainly have found as I have journeyed throughout my congressional district that Republicans and Democrats alike agree that we ought to be about balancing the budget first and then when we know that we have that under control and we have eliminated the deficit, we ought to be cutting taxes and making sure that whatever good programs we have are adequately supported. For this reason, I urge that we all join in supporting the motion.

The SPEAKER pro tempore (Mr. STEARNS). The gentleman from Ohio [Mr. KASICH] has 17½ minutes remains. The gentleman from South Carolina [Mr. SPRATT] has 11¼ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 2½ minutes to the gentleman from Texas [Mr. BENTSEN].

Mr. BENTSEN. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding.

Mr. Speaker, this is a reasonable approach, as the speaker before me said, this was adopted by the Senate, which is controlled by the other party. And I think it is very reasonable. Now, this tax cut deal, which I voted for in the committee and I voted for on the floor, is predicated on stable growth, it is predicated on asset sales. And we have to be honest with ourselves that it may not work and we may end up with severe revenue losses down the road. We ought to take the steps now to ensure that we stay within the confines of the original deal, and that is what the Spratt motion would do.

The gentleman from Ohio [Mr. KASICH] was talking about the Reagan years and the GDP assumptions in the Reagan years. And I know we do not want to confuse things with the facts and look at the statistics, but I think it is important that we do. During that period, my colleague mentioned that assumption of 4 percent annual growth was never realized, and of course that is true when you look at the historical statistics. The same could be said about this: I think the gentleman is correct in many respects, we assume some very conservative economic statistics, particularly as it relates to growth rates. But if you look at some other statistics and compare them to historical average, we are using some pretty optimistic assumptions.

For instance, our assumptions for inflation are 200 bases points less than what the recent historical average has been. Our assumption for interest rates is about 300 bases points less than what the recent historical averages have been. And our assumptions for unemployment are 1 percent less. And with respect to spectrum sales, we are assuming more than we have achieved before us. So it is possible that this deal will not work out.

I might also add that the chairman of the committee, who I have a great deal of respect for, talked about the capital gains reduction and how that might create some inflation-free growth. That is quite possible. I have supported capital gains reduction. I have introduced a bill to do so. But I do not think we can ignore the fact that down Constitution Avenue sits the chairman of the Federal Reserve and the current, like his predecessor, tends to have a monitorist bent; and I think we would have to contend with them at some point if they saw increasing inflation-free growth that they might start to take the punch bowl away and put on the brakes, and that would also impact interest rates.

So what this does is to say we will live within the $250 billion revenue

stream over 10 years like the Senate has already done. And I think that makes sense. This is what we would call in the transaction business, belts and suspenders. We are making sure that we are going to follow through and do it the right way and not cause problems down the road for our children.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. MENENDEZ].

Mr. MENENDEZ. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding and I rise to support the motion that he is going to offer to instruct conferees, and I would hope that the gentleman from Ohio [Mr. KASICH] would support the motion because, in fact, it is about making sure that there are no tax increases in the future.

As someone who voted for the budget deal, I believe a deal is a deal. But the budget deal is only truly a deal if we balance the budget not merely on the numbers but on the principles. That is why we must use the 10-year outlook on tax revenues. There is nothing magical about hitting a date in 2002 and then returning to deficits because we have planted the seeds of fiscal instability. Ten-year revenue figures are about as honest as we can get. It is very hard, however, to conceal tax expenditures which blossom and proliferate after 5 years if we use the other body's revenue baselines.

The mess we are in today is because of spending binges which began in 1981 when we massively front-loaded defense spending and tax cuts. These two measures created the tidal wave of deficits 6, 7, and 8 years later that is causing the fiscal pain that we are experiencing today.

It was voodoo economics back then, and we should not resort to smoke and mirrors now. The real magic is to keep the budget balanced in 10 years. Let us keep the deal to permanent fiscal responsibility and use the most honest figures, the 10-year estimates. I urge my colleagues to make this an honest deal and vote for the motion to instruct conferees when it is offered.

Mr. SPRATT. Mr. Speaker, I yield 2 minutes to the gentlewoman from Michigan [Ms. STABENOW).

Ms. STABENOW. Mr. Speaker, first I would rise to once again to congratulate all parties on both sides of the aisle for putting together this balanced budget agreement, which I was very proud to support. It is not just about numbers, however, it is about protecting our values for our families. And that is the reason why I rise this evening to support the motion to instruct, which I think is incredibly important if we are to maintain the integrity in the outyears of balancing the budget and maintain our values that are outlined in the balanced budget agreement.

I had an opportunity to spend time over the district workweek in my district, holding office hours in grocery stores and local restaurants, talking to my constituents about this balanced budget agreement. They told me they liked the fact that education was placed as No. 1 in the priorities for investment. They liked the fact that children's health and health care for working families that do not now have health care was important to the process, as well as protecting the environment and creating jobs. But they expressed one concern, and that was over and over again: Who will receive the tax cuts that are being proposed?

Because in their minds, their history has been for the last 15 to 20 years that they, as working families, middle-class Americans, small businesses, family-owned farms, have not seen the benefits of the bulk of the tax cuts that have been instituted since the 1980's, and they are asking, whether it is a family-owned farmer who has put all of their hard work and sweat into their land, that they be protected in terms of the estate tax, and I very strongly support eliminating the estate tax for those family-owned farmers or family-owned small business, or whether it is a young couple, not so young couple, depending on your perspective, in their forties whose children just went off to college and they need to get a smaller home now but all of their investments are tied up in equity in their house. That is their savings, and they are saying, can we please have capital gains protection for us as working people.

I would urge the committee to make sure that when we are done, tax cuts go to those who need it the most.

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

Ms. JACKSON-LEE of Texas. Mr. Speaker, very simply, I rise to support the Spratt amendment to this budget and raise three simple points to my colleagues on the other side of the aisle. Let me say, because of the work that we have already done, we have a booming economy. I think we should acknowledge that. The numbers suggest that we have the lowest unemployment. One of the things that we need to do, however, is create jobs for many in our community.

On behalf of the 18th Congressional District in Texas, two other points that I think are more far-reaching that we should attest to, and that is that many of our constituents wanted us to balance the budget and they wanted us to bring down the deficit. This particular budget resolution and the motion to instruct conferees on the budget resolution is important, and that is because it instructs that the tax cuts do not exceed the $250 billion net cuts in the budget agreement.

We do not want to bust the balanced budget. That is key and that is very important. And then I believe that we should have tax cuts but they should be tax cuts for working Americans, the working Americans that have helped build this country, a child tax credit, an education tax credit, targeted estate tax relief, targeted capital gains.

The real emphasis of this balanced budget should be for those Americans who every day go out and work, every day continue to pay their taxes and build this country. We should create jobs for the graduates in the 1997 class, the 1998 class, the 1999 class and, yes, the year 2000 class. Put our people to work by focusing on the right kind of tax cuts that do not bust the budget, that have a targeted estate tax, a targeted education tax cut, a targeted child credit tax cut, and to make sure that this is truly a balanced budget that works for all Americans.

Mr. KASICH. Mr. Speaker, I yield 1 minute to the gentleman from Michigan [Mr. SMITH].

Mr. SMITH of Michigan. Mr. Speaker, if a Member could respond from the other side briefly, I am very concerned about this because what we are adopting is a sense of Congress passed by the Senate. And in section 321(2), it says that if revenue starts going down after the year 2007, will increase taxes.

Most of the speakers over there say, look, we want a tax cut, we do want it to go to the American working family. But (2), the gentleman from South Carolina [Mr. SPRATT] says, after 2007, if revenues start going down, increase taxes. That is not what we want. And I do not think we should accept that idea that somehow if there is a slump in the economy, what we do and how we instruct conferees is to increase taxes so that they do not have any revenue loss after the year 2007.

The SPEAKER pro tempore. The gentleman from South Carolina [Mr. SPRATT] has 3¼ minutes remaining. The gentleman from Ohio [Mr. KASICH] has 16½ minutes remaining.

Mr. SPRATT. Mr. Speaker, I yield 90 seconds to the gentleman from California [Mr. MILLER].

Mr. MILLER of California. Mr. Speaker, I thank the gentleman from South Carolina [Mr. SPRATT] for yielding.

Mr. Speaker, I was reading this weekend an article by Professor William Quirk of the University of South Carolina Law School, and he reminds us that in the year 2002, when the budget is supposed to be balanced, we will owe $450 billion in interest payments on a $7 trillion debt; and at that same time, the discussion is how much are we going to give away in tax cuts to individuals.

No more important decision will be made by this Congress for future generations as to whether or not, when we engage in the process of cutting taxes, whether or not we can control ourselves and resist the political instinct

to hand out goodies and to hand out tax cuts that are disguised in the first years and then only to explode in the later years and then to cause an explosion of the deficit that this Congress and this Nation has worked so hard to bring into balance.

We have got to be very clear that tax cuts should go to those who need them the most and tax cuts should be constrained in their growth and that tax cuts should not upset the balance of the budget in the year 2002. Otherwise, we will end up in the situation as was pointed out in the Washington Post this last week that the budget would be balanced only to become instantly unbalanced all over again.

That is not what the American people are asking us to do. They are asking us to bring this budget into balance and to keep it into balance and to force us to choose our priorities and not charge it off to future generations. Just as we should not charge off spending, we should not charge off the tax cuts to future generations.

Mr. Speaker, I insert into the RECORD the following article by William J. Quirk:

THE EARTH BELONGS TO THE LIVING

(By William J. Quirk)

The President and Congress have both promised us a balanced budget in the year 2002. The debt, at that time, will be somewhere between six and seven trillion dollars, which, assuming a seven percent interest rate, will cost close to $450 billion a year in interest. Each year, every year, forever. Is it plausible to think the new generation will pick up that perpetual burden? How can the country equitably deal the debt burden?

Debt can only be disposed of in five ways: one, by paying if off; two, by repudiating it; three, by inflation—which is a veiled repudiation; four, by conquering the creditor to cancel the debt or conquering a third party to seize sufficient wealth to pay off the debt; or, five, by large real growth which makes the debt service a smaller share of a growing pie. If large real growth is unlikely, and conquest unpalatable, only the first three methods are available. The classic approach is inflation. The United States, since the Vietnam War, has used consistent inflation, usually around three percent, to reduce our debt. Inflation can be a successful method if no new debt is incurred, but continuing large deficits, and the new borrowing to cover them, have overwhelmed the tactic.

The Founders, other than Hamilton, believed that a perpetual debt was incompatible with self-rule, since the current generation cannot be asked to pay for decisions they did not make. Thomas Jefferson, during his term, reduced the national debt by one-third despite paying cash to Napoleon for Louisiana. "If we go to war now," Jefferson wrote to James Monroe in 1805, "I fear we may renounce forever the hope of seeing an end of our national debt. If we can keep at peace eight years longer, our income, liberated from debt, will be adequate to any war, without new taxes or loans, and our position and increasing strength put us hors d'insulte from any nation." Jefferson, in 1804, listed cutting taxes, cutting expenses, and reducing the national debt as the highest accomplishment of his first term: "To do without a land tax, excise, stamp tax, and the other internal taxes, to supply their places by economies so as still to support the government properly and to apply $7,300,000 a year steadily to the payment of the public debt." Jefferson foresaw that a debt policy, such as Hamilton fostered, would be complicated and promote the centralization of power. Jefferson wrote James Madison in 1796 that "the accounts of the United States ought to be, and may be, made as simple as those of a common farmer, and capable of being understood by common farmers." Things did not turn out as Jefferson hoped.

Our economists, unlike Jefferson, fail to distinguish between private borrowing and public borrowing: they think the issue is whether the annual income stream (tax revenues) is able to support the annual interest cost. But the real issue is whether a $450 billion annual charge—with no return—is socially and politically sustainable. Does anyone think a 20-year-old earning $10 an hour, or $20,000 a year, can afford to pay $4,234 in federal and state income tax and Social Security tax? That amount, invested each year for 45 years at seven percent interest, would give a nest egg of $1,268,000. The present value of all the Social Security benefits he will receive, starting in 2041, assuming the system still exists, is an unimpressive $12,400. The present value of health benefits he will receive is $25,800, and of welfare benefits, $20,500. The difference between $59,700—the present value of all the benefits he will ever receive—and $1,268,000 is a very expensive government for someone making $10 an hour.

Can a government survive when so many resources are allocated to pay for inherited liabilities? Can a moral, orderly society survive if it does? The debt, because of doubts on both scores, destroys the value of the currency. The fear is that history will probably repeat itself, and the country will stoke up inflation to reduce the effective burden of an unsupportable debt. Inflation may stay within bounds, as it has, barely, for the past 20 years. Or it may run out of control and destroy the currency as it did in Weimar Germany in 1923. The Weimar inflation destroyed the middle class, the basis of any democracy, and made way for Hitler. Either way, when the currency's value is unpredictable, individuals can't plan for a child's education, business cannot look very far ahead, and the country is disoriented.

Jefferson, in a September 6, 1789, letter to James Madison, said he thought it self-evident "that the earth belongs in usufruct [trust] to the living, that the dead have neither powers nor rights over it." In 1823, Jefferson wrote to Thomas Earle, "That our Creator made the earth for the use of the living and not of the dead; that those who exist not can have no use nor right in it, no authority or power over it; that one generation of men cannot foreclose or burden its use to another, which comes to it in its own right and by the same divine beneficence; that a preceding generation cannot bind a succeeding one by its laws or contracts." The current generation, in other words, holds the land as a life tenant does; he is entitled to cultivate the land and enjoy the fruits of it, but he can't hurt the interest of those who are to come after. He should turn the land over in the same condition he received it. Each generation is the steward for the earth during its lifetime.

Assume, Jefferson wrote, that Louis XV borrowed so much from the bankers of Genoa that the interest on the debt came to equal the whole annual net profit of France: "Should the present generation of Frenchmen deed their property to the Genoese creditors and leave their homeland? No. They have the same rights over the soil on which they were produced, as the preceding generation had. They derive these rights not from their predecessors, but from nature." No generation, by natural right, can oblige the next generation to pay its debts. If it could, it might, during its own time, "eat up the usufruct of the lands for several generations to come, and then the land would belong to the dead, and not the living."

Jefferson concluded that it would be "wise and just" for the Constitution to declare that "neither the legislature, nor the nation itself, can validly contract more debt than they may pay within their own age, or within the term of 19 years." Not all borrowing, of course, leads to wasteful spending debt. Debt may be invested in beneficial infrastructure. The 1846 New York Constitutional Convention, applying Jeffersonian principles, provided that the state could contract no debt except by a law approved by a referendum. The debt, however, had to be for a single "work or object" and be accompanied by a new tax sufficient to pay interest and retire the debt within 18 years. Or the debt may be invested to acquire intangible assets—which the society considers beneficial—such as Pitt's Napoleonic Wars and our World War II and Cold War. But, because of the absence of checks, spending is far more likely to be wasteful when borrowing is permitted. If a country runs on a pay-as-you-go basis, whatever mistakes it makes will be paid for by those who made the mistakes.

Moreover, the requirement of immediate payment for government programs acts as an efficient brake on governmental enthusiasm. Debt, since it requires no immediate taxes, removes the fundamental limitation that to fund a program for the benefit of one group, the money has to be taken from a different group. Under pay-as-you-go, the payers must currently pay what the payees will currently receive. The payers are apt to resist—the issue must be discussed—and some compromise reached.

With a borrowing policy, as Jefferson saw, the rules are entirely different. The consent of the governed is not necessary. The executive proposes a program but now he meets no effective opposition, since the legislature is equally happy to spend money today that will have to be repaid by future taxpayers. The viciousness of the borrowing policy is that the taxpayer of tomorrow is not represented by any of the parties at the table. The burden is easily cast upon the unrepresented future. Programs can go forward that the current taxpayers are unwilling to pay for. Unpopular programs—such as the Vietnam War, the Great Society, and the Savings and Loan bailout—can move ahead. Of course, when programs go ahead without the consent of the governed, they are likely to tear the country apart.

Jefferson believed that the debt-making power was too dangerous for the federal government. Since it could not be safely limited, it had to be prohibited. Jefferson wrote to John Taylor, on November 26, 1798: "I wish it were possible to obtain a single amendment to our Constitution. I would be willing to depend on that alone for the reduction of the administration of our government of the genuine principles of its Constitution. *I mean an additional article, taking from the federal government the power of borrowing.*" (Emphasis added.)

Jefferson said in 1816 that the people, "not the rich, are our dependence for continued freedom. And to preserve their independence,

we must not let our leaders load us with perpetual debt." If the leaders load us with such debt, we will then be taxed "in our meat and in our drink" till we must, like the English, live on "oatmeal and potatoes; have no time to think, no means of calling the mismanagers to account; but be glad to obtain subsistence by hiring ourselves to rivet their chains on the necks of our fellow-sufferers." We will, at that point, "have no sensibilities left but for sinning and suffering. Then begins, indeed, the war of all against all."

□ 1830

Mr. SPRATT. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut [Mrs. KENNELLY].

Mrs. KENNELLY of Connecticut. Mr. Speaker, as we go to conference this evening on the budget resolution, we really should assure the American people they will get a balanced budget as promised. So that means crafting the tax package in a way that makes it possible to provide the promised tax cuts while adequately measuring their cost to assure that the budget will actually balance in 2002.

That means playing fair with the numbers. The numbers cannot be jury-rigged so as to provide only the illusion of a balanced budget. How tragic it would be, Mr. Speaker, if in fact after these tax cuts were promised and the budget were laid out, that we would not have a balanced budget but would have a deficit that we have worked so hard to get rid of.

I think we should all agree on a bipartisan basis that such an outcome is absolutely unacceptable. We will balance the budget, we will give the tax cuts, and we will use fair and honest numbers.

Mr. KASICH. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. CUNNINGHAM].

Mr. CUNNINGHAM. Mr. Speaker, I would say to my colleagues on the other side, there is a lot of room that we can maneuver in the future. We are looking at a lot of different savings, and I think we can get support from the other side of the aisle.

Let me give a couple of classic examples that I hope in the next budget can go toward more of the savings that we are trying to send back to the American people. The 760 programs we have in education, to take and see, and I think it is fair to ask, which ones are working, which ones are not. The President is asking for $3 billion in a new literacy program. We today are funding 14 literacy programs. Let us reduce the bureaucracy and see which ones work.

When we take a look at the earned income tax credit, that there is a 26-percent overpayment, so 25 cents out of every dollar. We can have a lot of savings from that and give it back to the American people. We can take a look at when we are getting as little as 50 cents on the dollar back out of our education from the Federal Government, that we can drive it down and bring in a lot of private work for it, with my colleagues from the other side. And take a look at the extension in Somalia, Haiti and Bosnia has cost us over $15 billion and this new extension that the President is talking about that already is there, and then not pulling our troops, it is going to cost another $5 billion. I think that there is going to be a lot of room at which we can improve both of the issues on the bills and have more relief for the middle class like we want and like my colleagues on the other side do. I hate the term middle class. It should be middle income, not middle class. I would ask my colleagues on the other side to work with us on this and that it is something I think for the future of this country, the balanced budget, and making sure that we do help on both sides of what we want in this, that we can go a long way.

Mr. SPRATT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. KASICH. Mr. Speaker, I have no further requests for time, I yield back the balance of my time, and I move the previous question on the motion.

The previous question was ordered.

The SPEAKER pro tempore (Mr. BONILLA). The question is on the motion offered by the gentleman from Ohio [Mr. KASICH].

The motion was agreed to.

MOTION TO INSTRUCT OFFERED BY MR. SPRATT

Mr. SPRATT. Mr. Speaker, I offer a motion to instruct.

The SPEAKER pro tempore. The Clerk will report the motion.

The Clerk read as follows:

Mr. SPRATT moves that the managers on the part of the House at the conference on disagreeing votes of the House of Representatives and the Senate on H. Con. Res. 84, the concurrent resolution on the budget for fiscal years 1997 through 2002, be instructed to do everything possible within the scope of the conference (1) to agree to section 104(b) of the Senate-passed resolution, limiting the 10-year net cost of the tax cuts to $250 billion; (2) agree to section 321 of the Senate-passed resolution, with respect to fair distribution of tax cuts.

The SPEAKER pro tempore. Under the rule, the gentleman from South Carolina [Mr. SPRATT] and the gentleman from Ohio [Mr. KASICH] each will control 30 minutes.

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

Mr. SPRATT. Mr. Speaker, I yield myself 2 minutes to explain the purpose of the motion.

As I said at the outset when the gentleman from Ohio [Mr. KASICH], the chairman, introduced his motion to go to conference, our purpose here is to see that what comes out of the pipeline resembles in its essential details what we are putting into the pipeline in the form of this budget resolution, and in particular on our side we are concerned that after spending years in restoring the revenue base of the Federal Government to the point where we have got the deficit down to $107.8 billion last September, projected to be below $90 billion, well below it, this coming September, we do not want to make the mistake made in 1981 and undo all the progress that has brought us to this point where we can truthfully say we are within reach of a balanced budget.

No. 1, we want to make sure that the tax writing committees, when they undertake to fulfill the reconciliation instructions, will strictly keep to the dictates of this resolution and see to it that the net revenue loss in the first 5 fiscal years from 1998 to 2002 is no more than $85 billion, and in the years 2003 to 2007 is no more than $250 billion. That was the agreement. We want to see it observed. Fundamentally, we are simply reiterating what is the agreement reached among all the parties.

Second, in distributing the tax benefits, the tax cuts, we want to say to the tax writers, as the other body has said in its resolution, be fair to hard-working Americans, see to it that they get at least a significant part of the tax benefit bill that we are about to write. Those are the two fundamental things that we stress here today. We do not see how anybody in this House, Democrat or Republican, could differ or disagree with it. We hope that everybody, seeing the merit of this motion to instruct, will join in supporting it.

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

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

Mr. Speaker, I am pleasantly surprised that this motion does not call for a tax increase. I have not had a chance to see it. I am now looking at it. I tried to figure out a reason as to why, and I was not hoping to find something that I thought would blow up the agreement, but I wanted to carefully analyze it to make sure that it does not.

In regard to the first part of this, which is that the 10-year net tax cut be limited to $250 billion, the answer on that is that that is part of the agreement and we are all in agreement that the net tax cut over 10 years, as called for under this agreement, is $250 billion.

Let us not make any mistake about it. Come the year 2000, if we elect a Republican President, I think we are probably going to see more tax cuts, but all things staying normal here, we are going to have a compliance to the fact that we are going to have $250 billion worth of tax cuts.

The other provision in here is the fact that the substantial portion of the tax cuts will go to people under $100,000. That is clearly our intent. In fact, the biggest item in our package is a family tax credit.

Frankly, I do not think this is really a very meaningful motion to instruct, although I say to the authors of it, they have put it together, we will have a vote on it, and it will pass. Let me just suggest that I do not see any language in here that would call for repealing any tax cuts or anything else. Essentially this means that the bulk of the benefits will go to middle-income America, which we agree with, and second that in fact the net tax cut will be $250 billion.

With that, Mr. Speaker, as far as I am concerned, we can all support this motion to instruct.

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

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

I thought the gentleman was calling for a vote by acclamation to endorse this resolution. I did not hear him say anything that disagreed with the motion to instruct conferees. Is that the gentleman's request?

I would like to ask the gentleman, do I correctly understand what the gentleman just said, that he supports this particular motion to instruct conferees, then?

Mr. KASICH. If the gentleman will yield, I have no objection to doing what we intend to do.

Mr. SPRATT. So the gentleman supports the motion to instruct conferees?

Mr. KASICH. I support the idea that we are going to live up to our agreement on $250 billion in net tax cuts, and would agree with the gentleman that our plan is going to give the bulk of the resources to middle-income, hardworking Americans. We favor that.

Mr. SPRATT. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the motion to instruct.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from South Carolina [Mr. SPRATT].

The motion was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore. Without objection, the Chair appoints the following conferees: Messrs: KASICH, HOBSON, and SPRATT.

There was no objection.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Sherman Williams, one of his secretaries.

PASS A CLEAN SUPPLEMENTAL APPROPRIATION

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

Mr. OBEY. Mr. Speaker, I have introduced tonight H.R. 1755, a clean supplemental which contains the items agreed to by the conference committee to this point on the emergency flood relief supplemental, but which strips the proposal from the unrelated partisan riders which have been insisted on by the Republican leadership of both houses.

I had intended to try to offer a motion this evening to take that bill up today but the majority leadership did not want it cleared. I would simply say that if the leadership insists on putting nonrelated items into the supplemental, it is clear that the President will veto that legislation and we will be here next week doing what we ought to do this week, which is to pass a straight, clean supplemental appropriation bill meeting the needs of the flood victims in the various States in this country.

I would hope that by tomorrow, the House leadership and the Senate leadership would either have changed its mind about insisting on those unrelated riders, or else if they have not, I hope that they will at some point tomorrow allow the motion which would allow us to bring before the House a stripped-down version of the supplemental so that we do not, in fact, needlessly tie up this legislation for another week. If we do not do this this week, we will certainly be here next week doing next week what we ought to be doing this week, and it makes no sense at all.

□ 1845

We ought to simply see an end to the partisan games, and we ought to move this bill in the stripped-down version on its way to the White House.

REPORT CONCERNING EXTENSION OF WAIVER AUTHORITY FOR ALBANIA, BELARUS, KAZAKSTAN, KYRGYZSTAN, TAJIKISTAN, TURKMENISTAN, AND UZBEKISTAN—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–91)

The SPEAKER pro tempore (Mr. BONILLA) laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit the document referred to in subsection 402(d)(1) of the Trade Act of 1974, as amended (the "Act"), with respect to a further 12-month extension of authority to waive subsections (a) and (b) of section 402 of the Act. This document constitutes my recommendation to continue in effect this waiver authority for a further 12-month period, and includes my reasons for determining that continuation of the waiver authority and waivers currently in effect for Albania, Belarus, Kazakstan, Kyrgyzstan, Tajikistan, Turkmenistan, and Uzbekistan will substantially promote the objectives of section 402 of the Act. I have submitted a separate report with respect to the People's Republic of China.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

REPORT CONCERNING EMIGRATION LAWS AND POLICIES OF ARMENIA, AZERBAIJAN, GEORGIA, MOLDOVA, AND UKRAINE (H. DOC. NO. 105–92)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Ways and Means and ordered to be printed:

To the Congress of the United States:

I hereby transmit a report concerning emigration laws and policies of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine as required by subsections 402(b) and 409(b) of title IV of the Trade Act of 1974, as amended (the "Act"). I have determined that Armenia, Azerbaijan, Georgia, Moldova, and Ukraine are in full compliance with subsections 402(a) and 409(a) of the Act. As required by title IV, I will provide the Congress with periodic reports regarding the compliance of Armenia, Azerbaijan, Georgia, Moldova, and Ukraine with these emigration standards.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 3, 1997.*

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

REASONABLENESS IN SPENDING TAXPAYER DOLLARS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan [Mr. SMITH] is recognized for 5 minutes.

Mr. SMITH of Michigan. Mr. Speaker, you know we are at the starting gate of a new era, I think, in the U.S. Congress of trying to look at what is reasonable and what is practical on the way we pay/spend taxpayers' dollars. We have just finished a debate and both sides have agreed that somehow Government is taking too much of the hard-earned money out of working families' pockets, so we are in a new attitude saying that too big a Government and too much taxes is bad for the people and it is bad for the economy.

I think as we look over some of the weaknesses of this budget agreement, I suspect a couple of the areas that I would put at the top of the list are the way we have dealt and tried to figure out solutions for the reduction in spending of entitlement programs.

Entitlement programs next year will use up 53 percent of the total Federal budget, and you know for a Congress that was developed and given the responsibility of not only deciding how much money was going to be spent and how it would be spent to evolve in today's situation where Congress really only has control of about 17 percent of the budget; if you consider that the 17 percent that goes into defense spending is almost on automatic pilot, because there is seldom a disagreement of more than a plus or minus 10 percent deviation between the hawks and the doves and the Republicans and the Democrats, we are left with discretionary spending that represents just under 17 percent of the Federal budget.

Entitlement programs I think can be defined as anybody that is eligible for that money will automatically be paid those sums. Of course, the large spending items are Social Security taking 23 percent of the Federal budget now, Medicare, Medicaid, the welfare programs, the food stamp programs, the agricultural programs; all on automatic pilot, if you will, that Congress has lost control of and a majority in Congress can no longer adjust those spendings without the consent of the President.

You know, I think a lot of people misunderstood what happened 2 years ago when Republicans said that we are going to take this discretionary spending and use it as leverage to try to change and slow down some of the increases in discretionary spending.

Now, the Government closed down first 2 days, and then in December 1995, 3 days, and then it came to March 1996, last year, and Republicans said, look, we are going to draw a line in the sand and we are not going to pass this discretionary spending bill that in effect runs the Federal Government unless the President agrees to submit a balanced budget.

The President though, does whatever he does to make those decisions, decided, yes, I am going to do that. Now the whole world of Congress has changed, and everybody is saying yes, we want to balance the budget.

I mean that is the good news, that is the great news, and now we are saying let us let people keep some of that hard-earned money in their pockets and start reducing taxes. That means reducing the size of this overwhelming huge Government that is now out of control.

IN SUPPORT OF FULL FUNDING FOR SUMMER YOUTH EMPLOYMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas [Ms. JACKSON-LEE] is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in order to focus on the need to sustain, expand, and fully support our Nation's youth through the federally funded Summer Youth Employment Program.

I am strongly committed to the Summer Youth Employment Program and would like to insure that it serves all of the needs for summer employment for our Nation's disadvantaged youth.

Prior to my election to the U.S. House of Representatives, I worked to create an expanded Summer Youth Employment Program that would serve the entire city of Houston. That resulting effort continues to be successfully managed by Houston Works, a not-for-profit organization based in Houston, TX.

I know from personal experience that a summer job for those young people enrolled into the Job Training Partnership Act's Summer Youth Employment Program sponsored projects around this country is more than just an opportunity to have money for the next school year, it is an opportunity to learn, live, and experience the work environment and culture.

In 1997, Houston Works Summer Youth Program plans to serve 6,500 young people between the ages of 14 and 21, with a projected budget of $8.9 million. This funding would only allow 3 percent of those who would qualify to be included in the program. The potential number of applications for this important jobs program is 43,000 young people which reflects the total number of disadvantaged youth in the area served by Houston Works. Nationwide, there are 4 million youths who would qualify for this summer jobs program if funds were available.

Last year Houston Works provided 5,177 jobs to youth ages 14 through 21 years, with a budget of $6.5 million.

This program has made a significant difference in the lives and fortunes of Houston's young people who were fortunate enough to have their applications accepted.

One young lady in particular that comes to mind when I think of the real impact of our summer jobs program has on the lives of our Nation's young people is Ms. LaQuista L. Stewart.

Ms. Stewart is a remarkable young woman who worked 4 years with the Summer Youth Employment and Training Program during the summers of 1991 through 1994. Her placement included 2 years as a clerical assistant at Smiley High School; 1 year at Texas Children's Hopsital as medical assistant to the supervisor of the pulmonary laboratory technician in the Diagnostic Center, and 1 year as clerical assistant to Houston City Councilmember Felix Fraga.

Ms. Stewart's uniqueness is not that she did very well in her job placements, but that she, like majority of youth served by this critical program, had to overcome obstacles to meet the challenges and succeed in the program.

At the age of 2, she and her family were involved in a car wreck that left her stepfather permanently disabled and LaQuista lost her spleen and left kidney. Her family has gone through great difficulty, both financial and personally, as they learned to cope with their physical and economic limitations after the accident.

Ms. Stewart used the income provided by her youth employment to assist her family financially and for college expenses.

Despite her setbacks, Ms. Stewart was able to participate in the National Honor Society, became her Class Parliamentarian, worked with Future Business Leaders of America, and was ranked 40th in a class of 365 students.

Ms. Stewart credits Houston Works Program which is funded by the Summer Youth Employment Program for her successful job placement in the office of Houston City Councilmember Michael J. Yarbrough. Councilmember Yarbrough hired Ms. Stewart in a permanent job on July 29, 1994. She currently works 40 hours per week and is enrolled in her third year at the University of Houston.

Some might say, in hindsight, that Ms. LaQuista Stewart would have been a success without the Summer Youth Employment Training Program, and if this were a perfect world I would agree with them. Unfortunately, this world is not perfect and those deserving of a chance to learn valuable job skills are not always afforded that opportunity.

I would like to stress the need to look at summer youth employment as an extension of the learning experience for those young people who would otherwise not have that opportunity. It is the best example that we can convey to disadvantaged youth the valuable lessons of work and responsibility.

I would like to see the funding for summer youth employment create a separate funding stream for this significant program. Most of our disadvantaged young people live in urban areas that can best be served by direct funding of these programs. The block grant approach is detrimental to summer youth employment because it may not leave States with the needed flexibility to assign funds based on the particular socioeconomic demographics of the various States.

This summer jobs program provides income that will generate spending, often in impoverished neighborhoods, the summer program helps generate economic growth. For each 1,000 kids employed, the program brings between $1 and $1.4 million to those community.

I would hope that the Congress can meet the administration's request of $871 million for the next fiscal year's funding of our Nation's Summer Youth Employment Program. I would also ask that you keep in mind the full benefits of the Summer Youth Employment Program, both tangible economic benefits and intangible job learning experience benefits.

PROMISES MEAN NOTHING TO PEOPLE WHO HAVE NO PLACE TO LIVE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Dakota [Mr. POMEROY] is recognized for 5 minutes.

Mr. POMEROY. Mr. Speaker, it is now day 12, 12 days since Congress recessed without taking action on the

disaster supplemental appropriations bill. It is the sixth week since an absolutely devastating flood, a flood of 1,000-year proportion, hit Grand Forks and inundated North Dakota's second largest city, a city of 50,000 people.

One of the things that as we saw the footage broadcast throughout this country and, in fact, across the world, as you looked at literally a city steeped in the Red River water, it was a horrible visage. But one of the things that I think we perhaps could not fully appreciate as we watched that horrible site and saw the fires ravaging the downtown in the middle of this floodwater is the extent of damage occurring in each and every structure that had that floodwater in it.

During the 12 days since Congress recessed I spent a good deal of that time in Grand Forks. The stories that I heard directly from the people impacted from this flood were among the most moving I have heard from anyone.

What I believe Congress failed to realize as it recessed and went home without taking action was that it left literally thousands of people in the area I represent utterly in limbo.

Some have suggested that the disaster did not need prompt attention, FEMA is operating, SBA is operating, the programs are in the pipeline chugging along happily, providing all the disaster relief anyone could ever require. That is simply wrong; they are simply wrong. In fact, the disaster bill hung up in conference committee contains in one of its most essential parts $500 million of community development block grants. This funding is literally the linchpin of the Grand Forks' recovery effort because it will provide the funding for the expanded floodway, it will provide the buyouts that will purchase the homes in the floodway, giving their owners the capital they need to get on with planning where they are going to live next; do they build, do they buy? Whatever. Without that community development block grant funding, without the assurance, and the commitment of those resources to our area, people are utterly on hold.

Imagine having your home in the floodway, but with the city unable to determine exactly what funding will be available for home buyout purchase, the city cannot tell you whether or not to repair your home. Now your home has got about $20,000 or $30,000 worth of damage, and this is the case of hundreds of homes. You do not know whether to put in $20,000 or $30,000; you already lost most of your life's investment in the equity of your home. You do not know whether to put in that money without knowing whether you might be bought out and forced to move within a year again anyway. And so you wait, as hundreds of families are waiting in Grand Forks each and every day of the 12 days that Congress went out on recess without taking action. Your children may be living with grandparents or relatives, other relatives, maybe friends. Your family may be scattered. You may be commuting 90 miles one way to work because you do not have a place to live, and Congress recesses.

And during the recess, Mr. Speaker, Members traveled all over the world enjoying their time away from legislative business. Well, the people in Grand Forks would have liked to have taken time away from their business, their business of trying to pull themselves out of the floodwater and the mud of the Red River and get on with their productive lives. But they could not do it, and the reason they could not do it is because this bill was hung up in conference committee.

There was a tremendous constructive, bipartisan effort in building a good disaster bill. I personally have stood here on the floor of the House and expressed my appreciation to the Speaker, to the majority leader and to the other Members, both in the majority and the minority, who have worked together to build such a meaningful relief package to our area. But it does not do any good if it is not passed. Simple as that.

Mr. Speaker, deed is in the enacting and getting the resources available. Promises at this point mean nothing to people who have got no place to live.

□ 1900

The conference committee reconvenes tomorrow. It is my urgent hope and request of the conferees that, as they come back into session, remember those in the flood-ravished areas I represent, put politics aside, and get about the business of getting people the help they so desperately need.

TRIBUTE TO JOHN SENGSTACKE

The SPEAKER pro tempore (Mr. GIBBONS). Under a previous order of the House, the gentleman from Illinois [Mr. DAVIS] is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I rise today to pay tribute to a great American who recently passed away, one whose life has flowed and influence has flowed from his office on the near south side of Chicago to points across America and throughout the world, Mr. John H. Sengstacke. He spent 50 years as publisher of the Chicago Daily Defender newspaper, which was founded by Robert Abbott in 1905 and sold as many as 200,000 copies a week during World War II, when it championed desegregation of the Armed Forces and paved the way for Jackie Robinson to become the first black to play major league baseball.

John Sengstacke was born in Savannah, GA, educated at Hampton Institute in Virginia, and spent the rest of his life working for and building the Chicago Defender newspaper, a paper which under the leadership of Mr. Abbott had acquired a readership far beyond Chicago by being an early champion of the great migration beginning in World War I.

Mr. Abbott preached in his editorials that the destiny of blacks was in the north, where factories were desperate for workers. Pullman car porters acted as unofficial circulation agents by picking up copies in Chicago and dropping them off at barber shops and churches along their southern runs.

In the 1940's Mr. Sengstacke founded the Negro Newspaper Publishers Association, now known as the National Newspaper Publishers Association, which has more than 200 members. He also acquired the new Pittsburgh Courier, the Detroit-based Michigan Chronicle, and the Tri-State Defender published in Memphis, TN. Out of the Defender has emerged a Chicago institution, the Bud Billiken parade. As an activity of the Defender charities, the Bud Billiken parade has grown to be one of the largest community celebrations in the Nation. Mayors, Governors, Senators and even Presidents have marched or ridden in this parade, which traditionally draws more than a million active viewers and participants each year.

The Chicago Daily Defender newspaper has been a haven and inspiration for renowned journalists and publishers such as Lu Palmer, Vernon, Jarret, Faith Christmas, John H. Johnson, and Chinta Strasburg, to name a few.

John Henry Herman Sengstacke was an adviser to Presidents Truman, Kennedy and Johnson. Through his influence with President Franklin Delano Roosevelt, Mr. Sengstacke arranged for the first African-American correspondent in White House history, Mr. Harry McAlpin. He also figured prominently in influencing President Roosevelt to hire African-Americans to work for the U.S. Postal Service. He received 10 Presidential appointments, including his selection by President Truman to serve on the committee on equality of treatment and opportunity in the Armed Forces, which resulted in desegregation of the military.

In the 1940's Paul Robeson and John Sengstacke arranged a meeting with Jim Landis, commissioner of baseball, and Branch Rickey, manager of the Brooklyn Dodgers, which led to the hiring of Jackie Robinson to play major league baseball. He served as chairman of the board of Provident Hospital and Training School Association which rebuilt the Provident Medical Center which enabled the legendary hospital in which the world's first open heart surgery was performed by Dr. Danial Hale Williams, to continue its services to African-Americans and others who live in its area.

Mr. Speaker, I express condolences to the Sengstacke family, friends and employees of the Defender newspapers on the occasion of his death.

John Sengstacke worked diligently to end racism, sexism, and anti-semitism. He fought for open housing, to educate children, to provide charitable services to humanity, to defend the U.S. Constitution, and to protect the rights of people throughout the world. John Henry Herman Sengstacke, a man who knew how to use a newspaper to become an influential and powerful American.

PROMOTING VALUES OF DEMOCRACY AND LIBERTY IN CHINA

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California [Mr. DREIER] is recognized for 5 minutes.

Mr. DREIER. Mr. Speaker, I would like to first thank my colleagues for their forbearance. I rise tonight to respond to the fact that this morning we saw the official beginning of the annual debate on the extension of most-favored-nation trading status for the People's Republic of China. Quite frankly, the term "Most Favored Nation" is, to use what is today the vernacular, I guess, a very inappropriate euonym, e-u-o-n-y-m, to describe the trade relationship between the People's Republic of China and the United States. I say that because it simply means that we would be continuing with normal trading relations that exist with virtually every other country on the face of the earth.

Like every Member of this House of Representatives, I am very troubled at the human rights violations that we have seen take place in China over the past several years. I am very troubled at the treatment of Tibet. I am very troubled at the saber-rattling which has taken place in the Taiwan Strait. The idea of weapons proliferation and transfer to Pakistan and Iran and potentially other nations troubles me greatly. I will say that, as we look at every single one of these very serious problems, we have to ask ourselves the question: How do we most effectively deal with those problems?

Mr. Speaker, it is extraordinarily obvious to me that the most effective way to deal with those problems is to continue to get our Western values into the most populous nation on the face of the earth. Some are unfortunately trying to equate the People's Republic of China with the former Soviet Union. The differences are very, very important and need to be underscored.

The Soviet Union had a policy of expansionism throughout eastern and central Europe. At this moment we are up in the Committee on Rules talking about the issue of NATO expansion, and obviously, the Chinese have not been involved in that. Look at the expansion that we saw by the Soviet Union into this hemisphere when through the decade of the 1980's we struggled with this continued pattern of assistance that went to the Communist dictatorship in Nicaragua, exporting its revolution into El Salvador and other countries. So the difference is very, very important.

Some people want to create another cold war enemy, Mr. Speaker. We should not do that. It would be irresponsible, a major mistake. The single most powerful force for positive change in the 4,000-year history of China has been the market reforms which have dramatically improved the standard of living. I am convinced that, if we were to in any way cut that off, we would not be isolating China from the United States or the world. What would happen is we would isolate the world's only complete superpower, the United States of America, from the most populous nation in the world.

So looking at the allies in that region, we also have to recognize that Hong Kong, which will revert to China in just about 3 weeks, very strongly supports our continuance of most-favored-nation trading status for the People's Republic of China. We have to look at religious leaders. Many religious leaders have come forward saying that their greatest opportunity to continue expanding their message into China is for us to maintain our engagement there.

So Mr. Speaker, the debate is going to rage on for the next several weeks. I am very pleased that I am joined by the gentleman from Pennsylvania (Mr. FOX), my friend and colleague, and many others in this House who understand that trade promotes private enterprise, which creates wealth, which improves living standards, which undermines political repression. It has happened in the last decade and a half in South Korea, Taiwan, Chile, and Argentina, and it is not going to happen overnight, but clearly, it will help in China. So let us maintain engagement.

When the resolution of disapproval does come up here on the House floor, I urge my colleagues to join in voting against it so that we can move ahead in our attempt to get our values, our great values of freedom and democracy and liberty throughout the entire world.

TRIBUTE TO EMIL CIAVARELLI

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 today to salute a very special gentleman from my district in Montgomery County, PA, Emil J. Ciavarelli, a funeral director of great renown, a civil leader, an outstanding businessman, a proud father and grandfather, a wonderful husband, who recently died. He was a graduate of Ambler High School, Temple University and the former Eckels College of Mortuary Science in Philadelphia.

Mr. Ciavarelli was a member, organizer, and chartered chairman of the Montgomery County Funeral Directors Association. He was one of the few funeral directors, Mr. Speaker, selected by the U.S. Exchange program to tour the Middle East and Russia, observing funeral practices.

Mr. Ciavarelli was on the board of directors of Progress Federal Bank, the planning commission of Conshohocken and the Conshohocken school board. He has been a sponsor of the Babe Ruth Baseball League of Conshohocken and a church leader at St. Cosmas and Damian Church in Conshohocken, PA. In addition, he was the founder of the Christopher Columbus Civic Association of Philadelphia, PA. He was chosen to be involved in the 500th anniversary celebration of Christopher Columbus and had a special audience with Pope John Paul the Second. He was honored recently by the Italian Government and made a cavalier and member of the Cavaliers Society. He was a member of the Conshohocken Chamber of Commerce and he was given Man of the Year status in 1967.

Mr. Speaker, Mr. Ciavarelli was a former member and organizer of the Kiwanis Club of Conshohocken and he served as its club president. He was a fourth degree member of the Knights of Columbus and he was also a member of the Holy Name Society of St. Mary's R.C. Church, a member of the Washington Fire Company and Conshohocken Fire Company and a regional representative of the Boy Scouts of America.

But more than all of the activities of Mr. Ciavarelli, he was someone who cared greatly for his community, his family, and for his country, and he was one proud American who really made a positive difference. So to my colleagues, he is someone special as a role model that others can look up to, not only in my community and State, but throughout the Nation.

CONTINUING RESOLUTION BEING HELD HOSTAGE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. STEARNS] is recognized for 5 minutes.

Mr. STEARNS. Mr. Speaker, I rise today to talk about the supplemental appropriations bill; specifically, the provision of the bill known as the automatic continuing resolution, or CR.

Two weeks ago we left Washington without passing the supplemental appropriations measure. This was unfortunate. Unfortunately for all Americans, and in particular for the victims

of the recent Midwestern floods, this important and well-meaning legislation has become a hostage because of the President and some Democrats who do not like this CR which was attached to this bill.

During the floor debate on the bill, the House voted overwhelmingly to amend the bill to include an automatic continuing resolution, a failsafe provision that would automatically and fully fund the 13 appropriation measures, should any or all fail to be passed into law. In other words, we added a commonsense provision to an already fair measure.

Mr. Speaker, I would like to call it an insurance policy for the American people. The provision we are talking about that the President and some Democrats object to is quite simple and generous. Should any of the bills fail to become law by the end of the fiscal year, they would be fully funded at 100 percent of this year's funding level. In other words, there are no cuts, no elimination of any programs as a result of passage of the CR.

The President objects to this. Does the President want the opportunity to spend more money? Does he want an increased level? Furthermore, the passage of this simple CR would balance the budget within 5 years set forth in the budget agreement.

□ 1915

It is incredible that we have the claims that supporting a balanced budget could actually impose a problem. But simply, if the President was truly serious about balancing the budget he would support the CR provision and Congress could at long last pass a much-needed disaster relief act.

Nevertheless, Mr. Speaker, the President has promised to veto this important legislation. It is a very unfortunate situation we have because the people in the flood-ravaged Midwest need this money. We have set aside money for them but they need this bill. But again, we have a CR attached to it and the President seems more concerned with making sure we do not pass this CR.

The troubling thing about the President's proclaimed opposition to this supplemental is that he claims to support the Republicans' efforts to preclude a Government shutdown. He has often stated publicly his desire to initiate a failsafe mechanism, but when push comes to shove and we present him with an opportunity, he refuses it.

He claims that America needs a solution. The CR is such a solution. I urge the President to support it. It is a simple and reasonable effort to protect the American people from the kind of partisan political battles that shut down the Government and suspended essential Government services 2 years ago, the kind of political battle the President claims he opposes.

Does the President want to shut down the Government? Does he want hardship and inconvenience? I do not think he does.

In other words, as if it were not bad enough to say, I am against a CR, he is also against a simple supplemental to help the flood victims. The proclaimed opposition to the CR has really nothing to do with the supplemental. Rather, the President's opposition is that he wants a fail-safe mechanism itself, and he does not think the CR does it, so he is going to veto it. But, Mr. Speaker, the majority of people on the House floor overwhelmingly supported this CR. It was a very large vote.

Let me conclude by saying to my colleagues, the Republican Party did not shut down the Federal Government in 1995, and we will not be responsible for a shutdown if it happens again. Back then the Congress sent to the President more than adequate appropriations bills, and he simply vetoed them. To preclude this from happening again we have included a simple insurance policy in the supplemental, and yet, Mr. Speaker, he is opposed to it.

In other words, we have included within this bill a provision to ensure the uninterrupted continuation of vital services like Social Security, Medicare, Medicaid, and veterans benefits. We have attempted to remove politics from the appropriations process, and yet the President unfortunately objects.

For the good of our country and the peace of mind of her citizens, we should pass into law this commonsense insurance mechanism, a CR that will keep the Government operational when partisan conflicts arise. I am an original cosponsor of this legislation and a longtime supporter of the ideals behind the CR. I urge the President to reconsider his position, not just for the immediate needs of the flood victims, but for the long-term good of the entire country.

THE INTERNAL REVENUE SERVICE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Texas [Mr. SESSIONS] is recognized for 60 minutes as the designee of the majority leader.

Mr. SESSIONS. Mr. Speaker, tonight I rise to talk, with several of my colleagues, about the Internal Revenue Service. The Internal Revenue Service, through a series of laws that have been passed for many years, has what is called the Internal Revenue Code. What this code is is it consists of two huge books that I am showing the audience tonight that are very thick with very fine print that talk about the tax laws of this country.

Tonight myself and my colleagues stand to talk about not only the Tax Code but the application of that Tax Code by citizens of this country, and also how they are judged in that Tax Code by the Internal Revenue Service.

Tonight we stand to talk about H.R. 1145, the Home-based Business Fairness Act of 1997. It allows self-employed entrepreneurs, which are the fastest growing and most dynamic sector of our economy, and as a simple matter of fairness, to deduct the expenses of a home office and 100 percent of their health insurance costs. H.R. 1145 also provides a clear definition of an independent contractor to help entrepreneurs avoid crippling IRS costs and fines.

This year small business cited the cost of health insurance as the No. 1 concern, and tax demands accounted for 6 of the 10 most severe problems confronting small business.

H.R. 1145 deals with both of these concerns, addressing the high cost of a home office and of health care. Because many small businesses use independent contractors, their business status is critical to the success of entrepreneurs all over this country.

An independent contractor is one who does work with the help of someone but who is not under that person's control. This allows entrepreneurs to work for themselves but with the assistance of a primary contractor, as a primary contractor does not have to withhold taxes for his independent contractors, and that is why this issue is so important.

What we would like to discuss tonight is H.R. 1145 and how this is going to play out. We have any number of issues to discuss, including factors and criteria which the IRS uses to determine these independent contractors. But as I talk tonight, what we would like to do is further examine what is happening in the marketplace. As we talk about the marketplace, what we are talking about is small businesses, men and women who are attempting not only to do work out of their home, but also work in industry and work in business.

What we would like to do is to provide several examples of how the factors that are based upon the 20-point criteria, the 20 factors, how they play out with the IRS.

Mr. HILL. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Montana.

Mr. HILL. Mr. Speaker, I am proud to join with the gentleman and be a cosponsor of the Home-based Business Fairness Act, H.R. 1145. One of the saddest things I think that we have is the fact that small business owners, people who operate a business out of their home, people who are just trying to get started in business, are discriminated against in the Internal Revenue Service Code.

I think a lot of folks do not realize that today if you are an employee, if

you work for someone or if you have a large corporation, you are an employee of your own corporation, you get to deduct health insurance, but if you happen to be self-employed and you want to buy health insurance for you or your family, you do not get a deduction for it. It is a discrimination against small businesses and against small business owners.

The same thing is true of the home office deduction. If you happen to keep your accounts receiveable ledger in a file cabinet at home, or if, as when I started my business, if you happen to do your books at night at the kitchen table, you do not get to take a deduction for the business operating expenses that are associated with operating from your home. Again, it is a discrimination against people who are starting a business.

I think a lot of folks do not realize that Bill Gates got started with Microsoft in his garage. Henry Ford built the prototype of the Model A in his garage. Most small businesses today get started in somebody's home or in somebody's garage. The idea is that we want to encourage that, because the energy, the creativeness of our society comes from people with an idea who are willing to take a risk and get started at home.

The same thing is true with this independent contractors issue incorporated into H.R. 1145. The thing is that if you are going to get started in offering services as your business, you offer that service as an independent contractor. That is, I go out or someone would go out and contract with someone to offer a service. But today the Internal Revenue Service Code has so many tests in order to qualify as an independent contractor it is almost an absolute barrier for someone who wants to get started in the service sector of our economy.

What is the fastest growing sector of our economy? It is the service sector of the economy. So just for example, I have a list of the tests that are here, and I do not think all of my colleagues understand all the tests.

Just for example. If a person hires another person or if I wanted to offer my services, and the person I was offering them to wanted to give me some instructions on how to do that or wanted me to have some specific training or wanted to provide some of the tools, or wanted to tell me what hours of the day that I might be able to do those services, all of those criteria, any one of them, not in combination but any one of those criteria, would make that person ineligible to offer their services as an independent contractor. The list goes on and on. If the person doing the hiring offers tools or the place of business, it almost makes it impossible today to offer services and in starting a business.

What is worse about that is if someone takes the risk of hiring an independent contractor that has started in business and an audit is conducted 3 years later, the tax penalties can be horrendous, so it creates more risk for that business enterprise who might want to start hiring a new business enterprise.

So H.R. 1145 also redefines independent contractor. It clarifies the definition, and it creates a safe harbor. What a safe harbor means is that if somebody hires an independent contractor to help somebody get started in business and it is later determined that it did not meet all of the tests, there are not any tax penalties in the past. It is prospective.

In other words, we can say that person did not qualify as an independent contractor for the future, but there are no tax penalties going to the past. This is a really good bill, it is a good bill for America.

In Montana I have 26,000 people who are self-employed operating from their homes, trying to get started in business, trying to provide for their families. What this measure will do is it will treat them fairly, like every other business and every other worker in America.

Mr. FOX of Pennsylvania. Mr. Speaker, will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Speaker, I must congratulate the gentleman from Texas [Mr. SESSIONS] and the gentleman from Montana [Mr. HILL] for their leadership on this issue, which is going to help small business and is going to help the economy, frankly. Ninety percent of jobs, as I understand it, are jobs through small business, from the individual talent and enthusiasm and creativity of individuals who are really trying to make a difference.

So I would urge that my colleagues on both sides of the aisle, Republicans and Democrats, support H.R. 1145. This home office deduction and assistance with health care will help more jobs be created, and with our overall goal of having more people employed, stabilizing the tax base, we know small business is the engine of our economy, and I really believe this is a step in the right direction.

Furthermore, I have to applaud the gentlemen again, because frankly, IRS reform is an idea whose time has arrived, not only here as far as the home office deduction, which will create more jobs and create economic growth, but I believe it is a step in the right direction of making IRS more taxpayer-friendly, if that is possible.

I would like to see us actually change the burden of proof, that the taxpayer is presumed to be correct and the IRS commissioner would have the burden of proof. That is probably in another bill. But frankly, the American public would like to see this kind of bill move forward, and on any other sections the gentleman would identify where there is positive change making the Tax Code more clear, and maybe some day even having a flat tax would certainly be an idea we should move forward on as well.

Mr. SESSIONS. Mr. Speaker, I would like to continue this discussion so we can make sure that those people who are at home really understand what we are talking about when we talk about people who are out in the marketplace, people who are trying to comply with the law, honest Americans.

What I would like to do is, if I could, read some statements from congressional testimony that has been given one this year. It is a statement of Dale Frey. Dale Frey is a small business owner. I would like to read from that testimony, if I can.

It says,

> D.E. Frey & Company, a full-service broker-dealer, was organized in 1989. The company is privately held with offices in 22 States. The company has approximately 200 registered representatives that are independent contractors. The company provides administrative support for the transactions involving bonds, equities, insurance products, mutual funds, and unit investment trusts that are initiated by registered representatives for their individual clients.
>
> The registered representatives are individual entrepreneur business owners that are financially responsible for their own occupancy, telecommunications, information systems, registration, and all other operating expenses associated with offering their services to clients.

The Internal Revenue Service examined Mr. Frey's records for tax years 1993 and 1994. The company is a broker dealing with the Securities and Exchange Commission, known as the SEC, and a member of the National Association of Securities Dealers, NASD.

The Internal Revenue Service determined that each registered representative is an employee of the company, and that the company failed to withhold or pay taxes imposed by FICA and FUTA and income tax withholding provisions with respect to pay to such individuals. The IRS then assessed employment taxes of $1,160,884 and $2,113,614 for 1993 and 1994. This came on the heels of an IRS audit just 2 years earlier that determined that they were following the independent contractor status, that they were following the laws.

I also have a statement that was read by Mr. Raymond Peter Kane. Mr. Kane gave his testimony before the Committee on Small Business and the Subcommittee on Tax, Finance and Exports on independent contractors on July 26, 1995.

□ 1930

Here is what Mr. Kane said. In August 1991, he received a notice from the IRS that they wanted to conduct an audit for the fiscal year 1989. The audit took place over a period of several months and resulted in a finding on

February 18, 1992 of no change, which, as we know, means that the auditor found nothing wrong. During the 6 months that the IRS auditor was in the office, the contacts between his agent, between his agency and those of his independent contractors were carefully scrutinized and found to be in compliance with IRS rules and regulations regarding independent contractor status. However, 2 years later, with no change in IRS rules and no change in any contract that he had with the independent contractors, the IRS decided that these same independent contractors were really not independent contractors all along but that they were employees, and for the years 1992, 1993 and 1994, the IRS then demanded $274,000 in penalties.

This is the type of egregious action as a result of the IRS that we are talking about, why we have a problem, why we need 1145.

Mr. FOX of Pennsylvania. Mr. Speaker, if the gentleman will continue to yield, will H.R. 1145 ameliorate and solve the problems those two companies faced?

Mr. SESSIONS. We believe that what it will do is put very clearly and, let me get to the language, if I can, that will talk about this instance. What we are going to do is to make sure that codified within the law that we talk about what is an independent contractor, what are those tests that need to be done. How can the IRS, and should the IRS, look at an independent contractor. But what it is going to do is to reaffirm the 20-point test that the IRS has been working along this entire period of time.

Mr. FOX of Pennsylvania. Mr. Speaker, not only will it make sure that jobs are saved but they will not have needless lawsuits with the Federal Government to justify what they have been doing, which is correct to begin with under the original IRS examination; am I correct?

Mr. SESSIONS. This is correct, Mr. Speaker. So what we are talking about tonight, and I thank the gentleman for that insight that he offered, what we are trying to do is to make sure that the IRS gets it. Our independent contractors have already been following the law, people who are out conducting themselves as honest and fair Americans. Unfortunately what we are talking about tonight is an IRS that does not get it and so we are going to codify this into law, critical for the success of not only independent contractors but all Americans who may have these type of situations where they work out of their home and work as interested contractors.

Mr. HILL. Mr. Speaker, if the gentleman will continue to yield, H.R. 1145 does two things to help those folks that wrote to the gentleman.

First, it clarifies this definition of independent contractor because now it is a very confusing thing. Obviously in the case that my colleague has just described, one IRS agent thought they met the conditions; the next agent says that they did not. But I think that one of the other elements that are so important here is the safe harbor provision, so that if people are acting under the assumption that what they are doing based upon previous decisions or previous audits or previous consultations is the appropriate thing, that someone cannot come along later and not only force them to pay the taxes but impose these dreadful penalties on top of it.

So, it is very important here that folks understand that what we are trying to do in this bill is to make a clear definition of independent contractor so that it will eliminate the confusion but also in that process eliminate a safe harbor where people can be protected from having these huge penalties that would put them out of business.

I make note of the fact that, when you start a business there are two things most important to you. The first is to get customers, to get cash flow, business coming into your business. That is, most businesses fail because they do not get enough customers. The second thing is to generate cash flow. And this bill is in its entirety intended to help those small businesses, the most vulnerable businesses, the ones that are most critical to the future economy of this country to help them secure business by clarifying this independent contractor issue and creating a safe harbor but, in addition to that, helping them with their cash flow by giving them a fair treatment on the Tax Code with regard to business deductions.

Mr. SESSIONS. Mr. Speaker, as we talk about people who are in the marketplace, this growing part of the business, and we talk about the safe harbor, I believe that what we should do as a Congress is deal with problems in America. I believe that there is no problem in America that we cannot solve. But many times, public opinion polls feel like that all Congress is trying to do is to deal with something that would help us or special interest. Do you not believe that this deals with millions of Americans and what we know as the middle class and the guts of the problem where people who are trying to comply with the law, people who are putting their own capital at risk, people who are putting their name on the door, people who are worried about whether they can pay themselves and make that home payment and whether they can pay for their kids to go to school, this is the essence of what this is all about, that we will codify in law those things that honest, hard-working Americans want to have, wish to have and it is only fair for them to have.

Mr. HILL. Mr. Speaker, to me the American dream is the opportunity to do what you want to do or be what you want to be. And to be in business for yourself is one of those things. But we are in an economy in transition. Companies are downsizing. People are being laid off. People with a lot of skills who, if given the opportunity, can go out and start a business and often it is a service oriented business. And generally speaking they are going to operate that business from their home.

But just think about this, those people who would oppose this are the people who think that those folks ought to go on welfare or those people who think that they ought to collect unemployment benefits rather than to go out and provide for themselves and for their families on an equal basis. I hear a lot of discussion in the Congress about the lack of health insurance for families. Half of the children who are not covered by health insurance have parents who are temporarily unemployed. So what this bill would allow is important, those people who find themselves in that situation to be able to provide for their families by taking a deduction for their health insurance if they want to seek self-employment.

Mr. SESSIONS. Mr. Speaker, this deduction that I believe the gentleman is talking about is one that we would call pretax. This is the exact same pretax tax treatment that is given by corporations. So what we are trying to say is, these people who are self-employed, these people who are honest, hard-working, taxpaying families across this country would then have the advantage, the same tax advantage that would be given by law to someone who worked for a corporation.

Mr. HILL. Mr. Speaker, that is exactly right. Every employee out there whose employer offers health insurance to them receives that health insurance without paying taxes on it. The employer gets a tax deduction for that. We are talking about the self-employed.

The irony of this is that a person can be self-employed and have employees and be able to take a tax deduction for their employees' health insurance but they cannot take that tax deduction for their family's health insurance. What this would do is to make it fair so that those people who are out there taking risks, trying to develop new opportunities in the economy are treated the same as everyone else.

Mr. SESSIONS. Mr. Speaker, further, we find that another part of what this bill is to do is to clarify the definition of a principal place of business. So many times I hear people from Texas as the Representative from the Fifth District of Texas, I hear from people who are working out of their own home, trying to honestly and legitimately make a living without being on welfare, might we add, people who are trying to contribute something back to their community and what they are

asking for is, why can we not have this home mortgage deduction?

What this 1145 would do is it would clarify this place of business, this home, this person, this place or where these people might have their business. What I would like to do is clarify exactly what we are going to codify. We would talk about a principal place of business, and for the purposes we are talking about a home office that would qualify for a business deduction if the office is in the location where the taxpayer did all of their management and business activities and conducted themselves on a regular basis; and that the office is necessary because the taxpayer has no other location for the performance of essential administrative or management duties that they have in their business.

This is what happens every single day by families who by circumstances may have been laid off from their company, by circumstances may have an opportunity because of children, children that they have to take care of and watch on a regular basis. These are the kinds of things that we have got to see the tax code evolve to. We have to see the tax code become responsible, not only as it evolves into the 1990s and the year 2000, but also as we evolve around life as we know it.

Mr. PAPPAS. Mr. Speaker, if the gentleman will continue to yield, I am very encouraged by my colleagues' discussion here tonight about what 1145 would do if enacted into law.

Most of us that are here are members of the Committee on Small Business, and even those that may not be, I know, are very committed to fostering the kind of opportunities for small business men and women in our country. Later this week, on Thursday in fact, the committee that we serve on will be holding a hearing regarding yet another piece of legislation which, if this had been enacted more than 20 years ago, I believe much of what we are talking about here tonight would not have to consume our time and our attention.

The piece of legislation that I speak of is called the Small Business Regulatory Enforcement Fairness Act, [SBREFA], another acronym for us to add to our lengthy list.

What this would do for certainly the public that may not be aware of this, this would require that each Federal agency consider the effect of any proposed regulations that they would write in order to enforce this particular piece of legislation. Had this piece of legislation been in existence prior to even the last year or so, there would be a couple of examples that I would like to give that would have really made a difference in the ability of small business people to survive.

The first, it even received some attention today in some of the periodicals that we read here, the filing of the payroll taxes electronically. Many small business people do not have the ability to do that. It is an unnecessary expense and I am very glad to see that that is at least being delayed. I certainly hope that it is going to be a permanent delay. The other is the 2.9 percent tax that limited partnerships are being expected to pay for Medicare. Some have referred to this as a stealth tax because of the way in which once again the IRS has interpreted some other actions.

Whether it is through the IRS's interpretation, through determining what an independent contractor is, then certainly the ability of that independent contractor to take a home office deduction is being determined. I would just like to comment on one specific part of this bill that was referred to a number of times that I have been active in the last several months, the home office deduction.

Again, for the benefit of those who are here in the gallery and those that are viewing, it has been just a little over 20 years since the Federal tax code was required to define the home office as a principal place of business and those people could qualify for the deduction. But through a period of time, the IRS's interpretation of what a principal place of business is, and then a subsequent court ruling by the U.S. Supreme Court, which was prompted by a specific case, I would just like to briefly describe it, a physician or an anesthesiologist by the name of Dr. Nader Soliman had obviously serviced his patients not in his home office but in various hospitals in the communities near where he resided. But his billing, the administrative part of his business was conducted from his home office. He believed, as I certainly do, that that was a part of the carrying out of his duties as an anesthesiologist, carrying out the function of his business.

The IRS challenged the interpretation that he made that that was a legitimate home based office, home based business. Through a court proceeding the Supreme Court in my opinion legislated and ruled against his ability to take that deduction. There are many other examples, there are people who are general contractors, painting contractors, that are landscapers, obviously cannot perform what most people or many people would view as their principal, the principal part of their business. Obviously a house painter has to go to someone else's home to paint their house, but who could argue that a part of his or her business is sitting in their office, sitting at their kitchen table, as the gentleman from Montana (Mr. HILL) said, and writing bills out and dealing with other paperwork, whether it is with an accountant. I am certainly hopeful and encouraged that this kind of piece of legislation would restore what I believe was the original intent.

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Mr. HILL. If the gentleman will yield, I think it is really important for our colleagues to understand exactly this point with this physician. Had that physician had an office that he rented somewhere, the cost of the rent of that office, the utilities for that office, the telephone service for that office, the janitorial service for that office all would have been tax deductible, no question. But by virtue of the fact that that physician had that in his home, that is what brought it into question.

The important point here is that we have an economy that is moving toward services, and when we deliver services we go to other places to deliver services. So, in essence, what the IRS ruling is saying is that if we provide services at a place other than our principal office, then we cannot take a deduction for a home office. It discriminates against the greatest sector of new entrepreneurial businesses that are being created out there.

Mr. SESSIONS. If the gentleman would yield, I also believe that from what I have seen in the Fifth District of Texas, that many of the people who are at home, who are operating these home businesses, are women, women who are trying to not only make a go of it with their marriage and family and children and the needs that come upon the business, but they are upstart women who have the ability to get out and to compete in the marketplace. I think this home office deduction really finds that the people that are discriminated against most are women, women trying to do these type of things.

I believe that H.R. 1145 will offer us a clear definition, one that the IRS cannot only understand but also that these taxpayers and these people who wish to make a go of it can have and avoid the IRS coming on them.

Mr. FOX of Pennsylvania. If the gentleman will yield, I think the discussion of my colleagues, the gentleman from New Jersey and the gentleman from Texas, all center on the fact that we want a reality check for IRS when it comes to being reasonable about regulations, which will help more people be employed, to start jobs.

I know from back home in Pennsylvania the chambers of commerce everywhere support this kind of legislation, H.R. 1145, which will in fact make sure the home office deduction is taken care of and that those who are self-employed will be able to have assistance on the health care.

And everyone knows that the best job is a private sector, newly created job. If it is a government job, it will end up, maybe, possibly, not helping our economy. We have seen that in a few instances. Does not mean every job. But I know that all the chambers

of commerce, NFIB, every major organization that evaluates new employment, the private sector job is one that is lasting, one that helps the economy.

And like the gentleman from Texas said before, it certainly is with many of the new entrepreneur female-owned businesses that this will be a definite incentive for new businesses to be started.

Mr. SESSIONS. We also could, I am sure, include in there that they are doing this at their own risk. They are putting their own money right at risk. They think of that as a business. They think of that as an opportunity to go out. And it is incredible that the IRS would not even recognize this; that they would put that at risk.

Which goes back to the point that the gentleman from Montana was speaking about, this safe harbor, that is so important for people who are attempting to not only follow the law without being a tax expert, to follow the law and file complete and accurate tax records, but also to run their business. It is this huge burden that is not only on these types of people but I think upon all Americans to know and understand this magnificent document that is known as the Tax Code, but that yet is a burden to each one of us as Americans.

Mr. HILL. If the gentleman will yield on that point, having been a business owner myself, and starting in my own living room, I have some sense of this. But as the gentleman from New Jersey, Mr. PAPPAS, pointed out about business regulations, the burden of those regulations falls heavier on small businesses than it does on big business.

Big businesses can hire lawyers and C.P.A.'s and they can have full-time bookkeepers and people to understand that. This is just one volume of the Tax Code I am holding right here, and if we are starting a small business out of our living room, we do not have time to commit this to memory. Yet, if we do not, we can be at risk, at risk financially and our whole business enterprise can be at risk.

I want to give my colleagues a couple of statistics to put this in perspective. There are now 9 million, 9 million home-based businesses. Fourteen million Americans are earning their living from home-based businesses. From 1988 to 1994, the IRS retroactively reclassed 438,000 independent contractors as employees, and the fines and penalties totaled $751 million.

I can tell my colleagues right now that I believe the majority of those businesses were put at risk, perhaps put out of business because of the level of those penalties that nobody could possibly have anticipated.

There are 5.1 million self-employed head of households with 1.4 million children who are uninsured because they cannot take a tax deduction on their health insurance. We are talking about a lot of Americans, hard-working Americans. As the President would say, these are people out there playing by the rules, but the rules are working against them.

Mr. PAPPAS. The gentleman mentioned about families, individuals with children and the pressure that they are experiencing every day. Another benefit to H.R. 1145, and again the home office deduction, and before that maybe determining who is an independent contractor, which then would hopefully make them eligible for that home office deduction, but the cost of day care that so many families in our country are faced with.

The difficulty in finding adequate day care sometimes can be even more of a challenge with the many lengthy waiting lists that people encounter trying to place their children in a safe environment. But having the ability to work out of their homes, getting the deduction that I believe that these folks are entitled to, that it is not the U.S. Government doing them a favor by providing this deduction but doing something that is fair. As was said, if they had their business at another location, they would be entitled to these deductions.

But to have the flexibility to work from our home, a gentleman or a woman working from their home, being there when their kids get home from school, not having to worry about where the young people are going to go, whether there is a place for them to go, having that would be such a benefit.

Mr. SESSIONS. As we talk about these men and women who have their businesses out of their own home, I think it should be mentioned that they have to pay taxes also. They have to pay taxes as a result of being self-employed. They have to, in essence, double down, what I call double down, where they have to pay an employer's side and an employee's side: Social Security, what is known as FICA, unemployment, and all of these things.

So it is not as though this home business that we are talking about is not done within compliance of the law. In fact, there is a huge burden, I would suggest a bigger burden, that is on these people who must maintain records, must be able to run their own business while at the same time trying to survive with an onslaught of agencies and rules and regulations who are coming after them.

Mr. PAPPAS. If the gentleman would yield, just getting back to that, the gentleman from Montana holding up one of the two volumes, and people that may be watching this and contemplating their business and seeing just one of those might be discouraging them, and hopefully people will realize that people like the gentleman from Texas are trying to change that.

By putting in perspective again what it would mean, what a home office deduction could mean, using the scenario I mentioned, having the ability to take that home office deduction and saving the expense of child care, we are literally talking, for even a family or an individual with one child, several hundred dollars a month, conceivably maybe even more than that, with the potential savings from not having to place a child in day care and getting the home office deduction, it could really make a tremendous difference in someone's ability to start a business and continue over the first year or so when it is so critical for so many businesses that are really on the edge of collapsing.

Mr. FOX of Pennsylvania. I think the gentleman from New Jersey eloquently stated the importance of H.R. 1145 with regard to the home office deduction and raises a very important point; that for many of our families that are trying to make their own businesses, who are sometimes having multiple jobs and taking care of children, that day care becomes very important.

This week we will be introducing legislation which will raise from 30 percent to 50 percent the tax credit for employers that will be providing day care for their employees, and hopefully as well for the self-employed, thus allowing people who have to be working and raising their families to be able to make sure their children are in fact in quality day care.

And this is certainly an idea that has evolved from the leadership of individuals who are sharing the time here with our colleagues this evening, and I appreciate the point the gentleman makes about day care being of great assistance.

Mr. HILL. I think it is important for us to keep in mind that one of the problems, when IRS makes one of these determinations, retroactive determinations, is that this cascades down into some State government decisions too. Because it does not just impact the Internal Revenue Service and the penalties and the taxes that could be due, it also will impact the State revenue departments, which could also then have taxes due and penalties, often the State department of labor, which usually is the mechanism to deal with unemployment insurance premiums and can even go into the workers compensation and general liability problems. So it pyramids down or cascades down on these businesses, the penalties.

One of the interesting things I wanted to point out to my colleagues, coming from Montana as I do, with agriculture our No. 1 industry, this is a particularly interesting issue for folks in agriculture, because we have people like ditch riders, who are out there making sure the irrigation ditches are clear and clean and flowing; we have farriers, those are the people who shoe horses, who often operate as independent contractors; we have what we

call calf pullers, that come out in the spring and help folks pull calves during calving season; sheep shearers; custom combiners; custom farmers. Those are all examples, just in the area of agriculture, of folks who often offer their services as an independent contractor.

But under the current test of the IRS, one could hire folks to do that and not meet the test of an independent contractor because the provisions are so narrowly defined. And out of the 20-part test, if an individual misses one part, that could disqualify them as an independent contractor.

So that is an example of one industry, a very important industry to my State, very important industry to all of America, where this independent contractor issue and the lack of safe harbor today can cause some very serious problems.

Mr. SESSIONS. So when we talk about H.R. 1145, I believe what we are taking about is that we have to codify the law, the law that is being misapplied by the IRS. We have to take into account that America has changed; that we now have not only a great amount of people who are at work either because they have been laid off or downsized or whatever the word might become associated with them leaving their work, or on their own they might have decided to do this.

So H.R. 1145 will take into account the changing climate that we have that will allow a deduction of home business expenses, that will be a safe harbor for those people who believe and expect and are trying to not only follow the law but to do that with the greatest of intent. We are going to have the law say that the IRS now would look at those people and not hit them for back taxes and penalties but rather to acknowledge that they were attempting to follow the law.

We will come in with H.R. 1145 and say that we will allow expenses related to health care to be treated as a pretax expense, which will put these people who are independent contractors and those people who work at home and those people who are self-employed with the opportunity to have health care, to have the opportunity to take care of their families, the opportunity to be able to comply with the tax law that would be consistent with what corporations are allowed.

And then, lastly, that we are going to look at the independent contractor status that would say that the 20-point test that is used by the IRS, that we are going to look at and codify that, or make changes in the law so that the IRS would have to say that what that independent contractor had been doing as they followed the law they would not be liable for taxes and penalties related to their performance under law.

Mr. FOX of Pennsylvania. If the gentleman will yield, what is the status of this legislation now within his committee?

Mr. SESSIONS. The status of this legislation is that, and I am not on the Committee on Small Business, but the status is that we are debating this tonight with the full expectation within the next week and a half or two that we will be debating this on the floor.

Mr. PAPPAS. I think what we are talking about, and was said a number of times, is that we need to be cognizant of the changes that are going on all around us in our economy. The American people certainly are aware, and maybe more than folks in Washington, DC are.

I am very encouraged by the discussion here tonight and proud to tell my colleagues a story about what is going on in my State. In the State of New Jersey, there is a member of the State legislature, the lower house, which is called the General Assembly, a legislator from my district whose name is Joseph Azzolina, a long-time businessman, very successful businessman, and he has recently introduced a bill in the State legislature that would amend the State municipal land use laws which deals with zoning.

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What it would do is recognize that many people work from their homes, and that zoning ordinances not be a hindrance for those that would want to use a very small portion of their home in order to conduct their business from it.

Currently, many municipalities in our State have somewhat restrictive ordinances. With the changes to our economy, Joe Azzolina's initiative I think really goes hand-in-hand, or hand-in-glove, with what we are discussing here tonight. And it was very coincidental that this piece of legislation and another one that I authored dealing with the home office deduction and his introduction in New Jersey were, I think, within a couple weeks of one another.

Back home in New Jersey, people are very, very much encouraged; the chambers of commerce, the NFIB, and just independent business men and women throughout central New Jersey are very encouraged that it seems that those of us that are in Washington and those in our State capital in Trenton really seem to be getting it and coordinating their efforts to really make a difference in the lives of the business owners of our State and our Nation.

Mr. HILL. If the gentleman would yield, he knows, and he serves on the Committee on Small Business, as do I, that we have a lot of programs that we fund, advocacy programs for small business. We have small business development centers where we help people that are thinking about going into business develop business plans and understand the issues associated. We have micro business loan programs. We have got community block grant programs that are loan programs that businesses can participate in to help expand and grow their business. We have procurement provisions and rules with regard to how Government buys things that are oriented to helping small businesses participate. We have programs in the area of research to fund people who are trying to start small research companies.

There are all kinds of things that we are doing on the one hand to try to promote small businesses because it is a good thing to do. Small business, we all know it is the engine of our economy, it is what creates opportunity, it is what renews the American dream. So we have all these programs out here that we are helping fund, that we are helping to promote small business. Then, on the other hand, we have IRS regulations and a punitive Tax Code that is making it difficult or impossible for those small businesses to succeed and prosper.

What this issue really boils down to, in my judgment, is just one word and that is "fairness." All we are asking here is that small businesses, micro businesses, the most vulnerable businesses but the most important businesses because they are new businesses, be treated fairly, that they be treated like any other business would be treated with regard to tax policy, dealing with the health insurance deduction, the deduction for legitimate business operations.

We are not suggesting here that a business would be able to take a deduction for something that is not a legitimate business expense. We are just saying that a legitimate business expense incurred in the home ought to be deductible, and that they have some clear definition they can offer to their customers and to other contractors that they might associate with or hire so that everybody can feel secure.

Mr. FOX. The fact is that everything that has been discussed certainly is key about how we are going to move forward in this country. I know in Pennsylvania, where our No. 1 business is agriculture, we also have in the Delaware Valley in southeastern Pennsylvania what we call the Ben Franklin partnership, which is the universities, the businesses, and the government working together to have business incubators, entrepreneurship, new jobs. How can we take all of that effort from the universities, the government, and the schools and industry and not save it?

We have to find ways, not only this bill, H.R. 1145, which is going to do a great deal with the business expense for home office, we also need to be looking at things that will help farmers, for instance, be able to pass their business down to the next generation without having to sell the family farm

to pay for taxes. So the inheritance tax reduction that my colleague has been fighting for for his residence is going to be going a long way in the right direction, as well as H.R. 1145.

Mr. HILL. If the gentleman would yield, he is absolutely correct about agriculture. The greatest threat to agriculture, the family farm in America, is the death tax. As my colleague knows, many, many farms and ranches today cannot produce the cash flow necessary to pay the tax burden to pass that business on to another generation, whether it be done by selling it or gifting it or the death tax.

This is a tremendous threat to family agriculture in Montana. I know and my colleagues know that part of the budget agreement and part of the effort of our conference has been to put a focus on the importance of bringing the death tax down or eliminating the death tax so that business enterprises and farms and ranches can continue to stay in business, continue to put people to work, continue to provide important products and services to build our exports, to build the strength of our economy.

Mr. PAPPAS. If the gentleman would yield, the death tax that he referred to is even important to agriculture in a State such as mine. It is the Garden State, and we are very fortunate in central New Jersey to have many very productive and active farms, and farms that are owned by families for generations.

But the elimination of the death tax, I believe, is an environmental issue, certainly in an area such as mine where there is such pressure for development, and that many of these family-owned farms where certainly it is the desire for these farms to be passed from one generation to the next, that the heirs sometimes are not in a position of determining whether they even want to continue to farm because they cannot pay the estate tax bill.

There was an instance in my district just last year that a longtime, very prominent farmer had passed away and his daughter wanted to keep the farm from being developed and she was not able to pay it. But we have a farm preservation program in our State where development rights are purchased by the counties and the State and paid to the landowner, so the farm has been preserved in perpetuity. But that is not always the case and those options are not always available.

I personally just want to conclude my participation here tonight by saying how privileged I am to be serving with these three gentlemen. I know the commitment that they have to fostering an economic environment that can help the little guy and the little gal, and that is what we are talking about here tonight. We are talking about fairness, we are talking about really helping those that just want the opportunity to pursue the American dream in their own way. That is all they are looking for. They are looking to be treated fairly, looking for the chance, and some of these things that we have spoken about tonight would just provide that chance to so many people in our great country.

Mr. HILL. If the gentleman would yield, I just want to compliment him for his work on the Committee on Small Business and his work with regard to the issue of capital gains tax. I do not know about him, but I think I have cosponsored several capital gains and death tax bills. I also am the original sponsor of one bill that would completely eliminate the estate tax and treat estates like a capital gain at a substantially reduced rate.

The key thing here is that we have got to reform our Tax Code so that it is not interfering with the decisions that people make to go into business or stay in business, so it does not discourage people from putting people to work.

One of the things as I travel about Montana, I hear small business people saying to me, "You know, I do not know that I want to hire any more employees." There are too many liabilities, too many obligations. That is the worst thing that we could have happen in this country because it is small businesses that are creating the jobs, and those businesses are growing into bigger businesses and growing into larger businesses, and they are putting millions of Americans to work and they are renewing our economy.

This is just one measure. But I know all four of us, and I want to compliment all of my colleagues here for their work in this area because we all understand that it is those small businesses that we need to help, the businesses that are most vulnerable that we need to work for.

So, as I conclude my remarks here tonight, I just want to thank all three of my colleagues for their work with me and with others in trying to accomplish that in this Congress.

Mr. FOX. If the gentleman would yield, I also want to conclude by saying that H.R. 1145 is key legislation in this Congress. It is bipartisan. It is pro business. It is pro jobs. It is pro family. And it is long overdue to be passed.

I have to give my proper gratitude to the gentleman from New Jersey (Mr. PAPPAS), the gentleman from Texas (Mr. SESSIONS), and the gentleman from Montana (Mr. HILL) for their leadership, not only on this kind of legislation and moving it forward, but as Members of the freshman class and showing real leadership within the whole body in a bipartisan fashion, which I think is going to be the kind of example for having legislation passed which is going to be not only helpful to their constituents but the whole country. I appreciate the work that the gentleman from Texas is doing on the Results Act. I think we need to come back here for further discussion on other changes to the IRS that are going to help businesses, help individuals, and help our families back home.

Mr. SESSIONS. I thank the gentleman from Pennsylvania (Mr. FOX) so much for being here, the people of Pennsylvania are well served, and the gentleman from New Jersey (Mr. PAPPAS) for his participation here tonight, the people of New Jersey have done very well, and also to the gentleman from Montana (Mr. HILL), those voters are well served, also.

I think that what our discussion tonight has been about is that we want to be probably just a beacon, albeit just a small beacon, that is speaking on the floor of the House of Representatives to try to be that voice, that voice to people, Americans, who are out there in the heartland, who are trying to make a go of it, people who do own their own business, who are independent contractors, those people who do have to worry about paying for their health insurance out of their own pocket, those people who are trying to make a go of it that are not given a home business deduction that they should have.

We stand up tonight as a voice to those people and say, "We hear you in Washington, DC. We know what you are struggling with." I hear it in the fifth district of Texas. H.R. 1145 is not all-encompassing, it is not that magic bullet that will give tax relief to all Americans, but what it is is an opportunity for us to not only clarify and codify law but to give a reintention to the IRS and to these small business owners so that they recognize that someone does hear them in Washington, DC.

I would like to go through this, if I can, just to summarize once again what H.R. 1145 does. It allows for the deductibility of expenses for a home business deduction. It offers a safe harbor, an opportunity for those people who are attempting to comply with the law, that when they do come into contact with the IRS, that they can prove to the IRS that they are attempting to follow the law even if they might have not have done so exactly to the full intent, that they are attempting to do that. It gives them an opportunity to be safe without having these back penalties.

It will also allow for the expenses related to health care to be treated the same on a pretax basis as corporations have. And, lastly, it is going to codify rules that are related to the tax status of independent contractors.

I think this is important for America. I hope that tonight we have talked about things that represent the heart of problems in the heartland, that we are talking about important things, not talking about something that would be good just for a Member of

Congress or a special interest but, rather, for the working middle class of America.

HOUR OF MEETING ON TOMORROW

Mr. SESSIONS. Mr. Speaker, I ask unanimous consent that when the House adjourns today, that it adjourn to meet at noon tomorrow.

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

There was no objection.

MFN FOR CHINA AND NAFTA

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Michigan [Mr. BONIOR] is recognized for 60 minutes as the designee of the minority leader.

Mr. BONIOR. Mr. Speaker, in the coming weeks and months we will be considering two major questions in the House that will reveal a lot about how we, as a Nation, value human rights and the well-being of our workers in America.

The first question that we will answer is whether or not to extend most-favored-nation status to China, to give China low tariffs on their exports into our market. But let us be clear, this is not just a simple decision about trade rights. This is a decision that will affect the lives and the jobs and the paychecks of every single American worker for decades to come.

The second question we will answer, probably later this year, is whether or not to provide what is called fast track trade negotiation authority in order to expand NAFTA to new countries. Now, NAFTA, the North American Free Trade Agreement, is no longer a question of theory. It has had more than 40 months to prove itself.

We have seen the effects that NAFTA has had on our families, on our jobs, our wages, and on our country, and I regret to say that the news is not good. NAFTA, by any reasonable measure, has failed to live up to its billing. Many of us believe that before we expand NAFTA, we have got to fix it, and there are a lot of things to fix.

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If a house is on fire, if a basement is flooded, if a roof is caving in, it is fixed before adding a new addition. We need to fix NAFTA. In many respects these issues of most-favored-nation trade status with China and NAFTA are connected. They are both about extending trade rights. They are both about wages. They are both about jobs. They are both about human rights.

The problems with our economic relationships with China and Mexico are much more serious than some people are willing to acknowledge. Let us just draw a quick comparison with our pursuit of the balanced budget which has become an obsession in our Government, and some might say in certain circles, in our country.

Our budget deficit is expected to be a little over $60 billion this year. It has come down dramatically over the past 4 years because of a tough economic plan that we passed on this side of the aisle in 1993. It brought the annual deficit down from $300 billion a year to approximately $60, $65 billion by the end of this fiscal year. We have a plan that is moving through the Congress now to take us the rest of the way.

But listen to this. Our trade deficit with Mexico and China combined could be $60 billion this year. We have a deficit, an annual deficit of about $60 billion, domestic deficit. Our trade deficit could equal that with two countries. Last year was a record $40 billion with China and $16 billion with Mexico. This year it could be bigger, as much as our budget deficit. But are we doing anything about it? Is there any attention to address this problem?

We cannot simply cover our eyes and pretend that all is OK and the status quo is working. It is not working. But if we simply pass MFN unconditionally and extend NAFTA, we are going to make this problem much, much worse.

While the trade deficit is important as a statistic, it represents a much more serious trend in America today that is taking our Nation in the wrong direction. It is driving down the wages of workers and it is also reducing our moral authority to speak seriously about human rights, which both issues, the wages of workers which are being driven down and the human rights issue, are kind of the hallmark of what America has been about these past 100 years.

They do not call it the American century for nothing. It is the American century because people stood up and they fought against tyranny and repression. It is the American century because workers in this country banded together for a decent wage, better working conditions, a sense of dignity, the ability to collectively come together and bargain for their sweat. That is why it is the American century.

And here we have a situation in which those rights, those human rights and those worker rights, are being gobbled up, are being eroded, are being steamrolled by this globalization, free-market, unfettered movement that has nothing in its way. Indifferent government, weak labor, except for America where it is on the rise and a few other places in Europe. Nothing in its way. Multinationals moving forward, looking for the lowest common denominator, the lowest wage nations to move their jobs to maximize their profits.

A study done earlier this year shows that China and Mexico attracted more foreign investment in manufacturing plants than any other developing nations, investment that is taking advantage of favorable trade rules that are provided to China through MFN and Mexico through NAFTA. And instead of creating consumer markets where the workers in those countries earn a decent wage so they can buy the products that they make, or building democracy which is fundamental to a free country, our proponents would lead us to believe that the policy that they have is working and that if we just let it work, these things will happen, democracy and better wages. That is what manufacturing investment means to them. They are taking root in low-cost labor markets.

In Mexico, it is 70 cents an hour. I just came back from Mexico a couple of months ago. I was down to the maquiladoras, the area along the border. I had been there before. Before we were doing NAFTA, about 40 months ago, workers were making $1 an hour there. Now they are making 70 cents an hour. I saw it with my own eyes, I talked to the workers. They make $5 and $6 a day. In China, it is lower than 70 cents an hour, or it is even prison labor.

The most important impact this investment has on American workers is on their wages. People say to me, what does this have to do with my wages here in America, if they are making less than 70 cents an hour in China and 70 cents an hour in Mexico. What does it have to do with me?

What it has to do with Mr. and Mrs. America is that corporations are moving jobs to low-wage developing nations, and they are saying to bargaining units, or those people who are talking for wages or worker rights or safety rights in the workplace, If you do not take a wage that is frozen, or if you do not diminish your wages somewhat or if you do not relax some of the standards that you are demanding on safety, we are out of here, we are gone. This is not just me making this up. There have been studies done and studies recently that I am going to talk about in a few minutes, that indicate this is happening all over America.

It is a drive to the bottom, to the lowest wage, something the economists call downward pressure on wages. It is pitting our workers against the low-wage workers in developing nations. It puts pressure on their paychecks. If workers ask for a pay raise, companies say, "We'll just move our jobs overseas."

They can do that because under MFN for China, they get favorable access to our markets if they relocate in China, and they get a government that does not tolerate workers who stand up for their rights. Under NAFTA, corporations get investment guarantees in Mexico, what is essentially free access to our market, and a system in which

the government, the business community, and union officials conspire to hold down wages.

There is nobody who speaks for the worker in Mexico. The government does not. They attract corporations based upon the fact that they can guarantee their investment and guarantee low wages. The union there is corrupt. It is in cahoots with the government and the corporations. When people try to speak out independently, they get thrown in jail.

Some would suggest that the alternative for our current failed policy is protectionism, high tariffs, put walls around our country. We reject that. There is nobody here that wants to go back to those days. That is not where we should go. We do not want to go back to the walls of protection. We want to go forward.

We want a trade policy that values the workers who make trade possible, not just trade itself and the multinationals and the corporate heads, the workers who make it possible not only here but in the developing countries and other countries we trade with. Because it is only when the workers are strong that they have the ability to earn a decent living, that they can purchase the products that are being made. It is a simple lesson that Henry Ford taught us many, many years ago in this country, that if you pay the workers on the line a decent wage, they will be able to buy the car, and he instituted $5 a day. By the way, the wage that Mexican workers make today, he instituted that 70 years ago.

We will only move forward if we deal honestly with China and Mexico. We have waited 8 years now since the Tiananmen Square massacre for engagement and MFN to change China. The argument of the supporters from MFN for China goes something like this: "If you just let us into China, just let us go there and trade with them, the economy will grow, human rights will get better and everyone will benefit." But the list of human rights abuses grows longer and uglier every day.

Let me quote something that was in the New York Times today. It was an op-ed piece by A.M. Rosenthal. He, in turn, is quoting from the State Department's human rights report on China. I quote:

> All public dissent against the party and the government was effectively silenced by intimidation, exile, the imposition of prison terms, administrative detention, or house arrest. No dissidents were known to be active at year's end.
>
> I want to repeat that.
>
> No dissidents were known to be active at year's end. Even those released from prison were kept under tight surveillance and often prevented from taking employment or otherwise resuming a normal life.

They do not tolerate dissent. They do not tolerate another opinion. They do not tolerate free speech. It is not a free country. Yet we in this body, in our government, have sanctioned a most-favored-nation policy of trade with China. A most. Not a good, not a better, a most. The best. The best terms.

Clearly things are not getting better in China. They are getting worse. But the corporate lobby, and, boy, they are all over this town. One cannot breathe without running into the large corporate lobby in this city working for the passage of most-favored-nation treatment for China. The corporate lobby and all the establishment tells us that unless we extend MFN and unless we engage, we will get left behind and we will anger China. But by my count, we are already behind. We have got a $40 billion trade deficit. We have got to engage in a different way, because our current policy is not fostering human rights, it is not helping us economically, we are on the short end of a bad trade deal. The fact is that we have the leverage on this issue. We are the most powerful nation, we have got the biggest megaphone, the highest pulpit and the greatest leverage in the world. Our consumer market is what China wants. It is what everybody wants. They want the American consumer market. More than one-third of China's exports go to the United States. We are one-third of their export markets. Of all the things they make in China and ship it out, one-third of it comes here. China represents only 2 percent of our export market. Two percent. It is not hard to see who has the leverage. We do. They want us. We can barely get in there. Workers who are being forced to compete against prison labor and slave wages and dissidents in China who are struggling to have their voices heard, they deserve better. They deserve to be heard. The past 8 years since the Tiananmen Square massacre have shown us that extending MFN has not amplified those voices. It has muffled them. If we reject MFN and honestly deal with China, those voices can be heard, democracy can begin to sprout some roots and we can move forward. We can have a dialoge. We can have an understanding. If we do not, we can expect more of the status quo. That is not a winning proposition for any of us. Except for the multinational, transnational corporations who are doing just fine with the current system. They have a record of profits, they have lower labor costs, and they have bigger paychecks for the bigwigs.

I said earlier, it is not just China. If we take a close look at the results of NAFTA after 41 months, we can tell that the ultimate aim of this trade policy is for corporations. It is to maximize their profits, to guarantee their investments overseas and to use these trade agreements to reverse the gains that workers have made. NAFTA is being used as a weapon to dampen the efforts of American workers to earn a decent wage and to seek the right to organize and to collectively bargain.

□ 2030

It has given corporations a license to pursue a race to the bottom strategy to drive down wages, to bust unions, to take away all those rights that your parents and your grandparents worked for, were beaten up for, some even died for. They fought too long and too hard for these rights: the rights to organize, the rights to collectively bargain, the right to earn a decent wage, to be safe in the workplace and the many other things that I could go on and mention here this evening. Corporations are now using NAFTA to erode these rights by pitting workers against each other and by threatening to move jobs to the lowest cost labor markets. NAFTA gives them a license to do that. It does not require them to raise Mexican standards. It gives them an incentive to lower U.S. standards. It practically guarantees them that they will not be caught because NAFTA does not give workers a real voice in that decision making process.

Got a chart here: United States puts downward pressure on wages. Sixty-two percent of U.S. employers threaten to close plants rather than negotiate with or recognize the union, implying or explicitly threatening to move jobs to Mexico.

Now not long ago Cornell University did a study for the Labor Department, a study, by the way, that the Labor Department refused to release. They found that 62 percent of the companies, as this chart shows, are now using Mexico and other low wage nations as a bargaining chip to drive down wages. Sixty-two percent of American companies say to their workers, you all take a pay cut, if you do not hold back on those pension benefits or those health benefits, if you do not take a cut in them because, you know, we cannot compete here, we got to cut corners, and if you got—we got to take some back, some of those benefits in health and pensions. If you do not do that, we have no choice, we got to go, we got to go to Mexico.

And it is happening every day, and yet when workers, as I said earlier, in Mexico try to organize, try to form unions, try to fight for better pay to take away that bargaining chip, what happens? Well, they get arrested.

I was in Tijuana about 3 months ago, and I saw with my very eyes. I talked to a leader of a colonia village, to a man who went out and stopped the production at a facility located near the village where they were paying 70 cents an hour, $5 and $6 a day. They stopped production, got all the people together to stop for 2 hours because they did not have proper safety standards in the plant and people were losing their fingers and their hands. And as a result of that he got fired, and when he tried to form an independent union, he was arrested, and he had very little recourse

to the judicial system because the judicial system does not work for average working people there.

So you get thrown into jail, you get thrown into jail when you stand up for this, and 4 years ago on this floor in this body we as a nation put a stamp of approval on all of that by passing the North American Free Trade Agreement, that North American Free Trade Agreement.

Let me cite a passage from this Cornell study because it will show our colleagues exactly how this is working. This passage discusses why companies after an effort by workers to organize in the United States have fled to Mexico at double the rate since NAFTA took effect. Remember NAFTA took effect about 41 months ago, and here is what the study said.

The fact that the post-election plant closing rate has more than doubled since NAFTA was ratified suggests that NAFTA has both increased the credibility and effectiveness of the plant closing threat for employers and emboldened increasing numbers of employers to act upon that threat. In fact, it goes on to say in several campaigns the employer used the media coverage of the NAFTA debate to threaten the workers that it was fully within their power to move the plant to Mexico if workers were to organize.

Now the study's author, Kate Bronfenbrenner, Cornell, concludes, she concludes that plant closing threats have tripled since NAFTA took effect in 1993 and shifts to Mexico have doubled.

Let me now turn to a few examples of how corporations have used NAFTA to drive down wages in the United States or to shift their production to Mexico to do exactly what this Cornell study has suggested, and then I would like to yield to a couple of my colleagues who are always here and are always fighting for working people, the gentleman from Vermont [Mr. SANDERS] and my friend, the gentleman from Cleveland, OH [Mr. KUCINICH].

A couple of examples: Guess Jeans; you know those are the jeans that you see, little tag on the back. They used to be made in Los Angeles. They are now being made in Mexico and elsewhere because workers in Los Aangeles asked for decent wages and a safe place to work. The company knew it could exploit workers in Mexico, where the government and businesses and union officials, as I said, conspire to keep wages low. So it shifts thousands of jobs to Mexico instead of trying to work out a solution with the workers in Los Angeles.

In El Paso, TX, even workers making as little as $4.75 an hour, which is the minimum wage, are having their jobs shipped across the border to Mexico to multinational corporations in search of the lowest wages possible. Workers making the minimum wage are not even safe because NAFTA has created, as I said, a race to the bottom in search of the lowest wages possible.

In 1994, workers were attempting to organize an ITT automotive plant in my home State of Michigan, and the company was resisting. The company used the threat of moving to Mexico in a very blatant fashion. During the organizing campaign the management took apart an assembly line in the plant; you know, they shrink wrapped it in packaging, and then they took it outside the plant, and they had 13 flatbed trucks. They loaded it all up on the trucks, and on the side of those trucks there was this big bright pink sign that read "Mexico transfer jobs."

Same company flew employees from their Mexican facility to videotape Michigan workers on the production line which the supervisor claimed they were considering moving to Mexico. So you know they bring people in, they intimidate them right in the factory, and needless to say, the union lost the election in that plant, and this type of thing goes on, and on, and on and on.

Let me just show you this one other chart. Companies use NAFTA to drive down wages for American workers. This is a poster that was put up just 2 months ago, a company called NTN Bower used a very provocative flyer right here to try to undermine an organizing drive in a Macomb, IL, plant. The flyer makes a threat. It says if the workers decide to join the UAW, their jobs may go south for more than just the winter. The leaflet notes there are Mexicans willing to do your job for $3 and $4 an hour; the free trade treaty allows this.

Well, people do not make $3 and $4 an hour down there; I can tell you that. They make 70 cents an hour, and you get a great job if you can find someone who makes $2, $2.50 an hour. But the point is these threats are being used against American workers and driving down American wages.

Now, this is perhaps one of the most blatant examples of how companies are using NAFTA to stop efforts by workers to improve their wages and benefits, but as I said, it is happening every day, and 62 percent of employers are doing the same thing. The author of the study, Kate Bronfenbrenner, made the following conclusion. This is what she concluded after doing her study:

NAFTA has created a climate that emboldened employers and terrified workers. That is what we did here. We emboldened the employer and we terrified the workers, not knowing whether they would be secure in their jobs, whether they would lose their jobs, whether they would have decent pensions or health care benefits or how far their wages would be driven down before their jobs finally left and went to Mexico.

Now, these same companies that promised to create jobs under NAFTA, but who are instead using it as a threat to drive down wages in this country, now want to expand it to other countries without any prediction for workers. This problem is only going to get worse because it is not only Mexico that is being used as a bargaining chip. NAFTA supporters would like next to go to Chile, but the nation of Chile is being used as a bargaining chip as well, and I am not going to go into a long debate about Chile today, but I can cite some examples about the Goodyear Tire & Rubber Co. and some other folks who are using the Chile export strategy as a way to drive down wages and other benefits of workers in Ohio.

So this trend will continue on and on unless we seriously address the issues of wages and workers' rights in our trade agreements and unless we honestly deal with China.

The current system is tragic for working people in this country and Mexico and China and does not have to be permanent, though, does not have to be this way. We need to remember this is not just about markets, trade barriers. This is about jobs and living standards, about human rights, and most importantly it is about human dignity. These struggles are about people, and the struggles we are about to engage in have been fought, as I said, in this country and around the world by an earlier generation of workers.

Turn of the century, the Industrial Revolution brought about massive changes like the changes we are undergoing today, much as the global economy and the technology and information are changing the landscape of today, and the giant corporations then sought to control the process. They exploited the workers, they exploited the land, but people got fed up. They decided they are going to fight back, and they banded together, and together they made a difference. They elected people to office who wanted to break the trust. They elected people to office who wanted to provide a decent wage and decent health conditions. They formed their own unions so they could bargain for their sweat.

That struggle led to the creation of a system of labor and social and health rules which increased our standard of living beyond which any other nation has been unable to exceed. Hence the American century. But it is that very system that is under attack today, the very system that they created, and we cannot afford to go backward before these protections were in place. And that is where we are going.

Mr. Speaker, we are going back, we are not going forward. The President talks about the bridge to the 21st century. It has got a curlicue at the top because it is going back to the 19th century. The President needs to straighten it out, move forward with the workers, not with the presidents and the CEO's and the multinationals

and the transnationals. This debate is about our economic future and whether we want to take our Nation forward or go back to an era in this Nation in which worker rights were not guaranteed and in which a few wealthy corporations controlled the economy and in which people were unable to speak out as they are unable to speak out in China today.

We do not want to see our Nation go back to where we were 100 years ago. We want a trade policy that will move us forward, and that is what we will keep impressing upon our colleagues in the weeks and months to come.

I want to thank my colleagues for their patience, and again I am just very honored to be joined today by the gentleman from Ohio [Mr. KUCINICH] and the gentleman from Vermont [Mr. SANDERS], and the gentleman from New York [Mr. OWENS] has joined us. I would be happy to yield to any of my friends.

Mr. SANDERS. Thank you very much, and I want to congratulate you on the leadership you have shown in fighting for a fair trade policy in this country over the last many years and for the rights of working people.

I think the proof basically is in the pudding. If our current trade policy in terms of NAFTA, in terms of GATT, in terms of MFN with China was a success, then we would see it. We would see it, and how would we see it? Well, we would see that wages for middle class and for working people would have gone up. That is what we would have seen. That is what a success is. People would be making more money.

But what is the reality? The reality is that in 1973 the average American worker earned $445 a week. Twenty years later, taking inflation into account, that same worker was making $373 a week. Real wages have declined precipitously.

Now if this trade policy was working so well, then the working men and women of this country would be working fewer hours, they would have more time to spend with their kids and with their families.

Family values; we all remember that expression. But I will tell you something going on in Vermont that I expect all over this country is that the working families in my State are working longer hours. In the State of Vermont we have many workers who do not have one job, who do not have two jobs; they have three jobs, and many women who would prefer to stay home with the kids are now forced to go out and work because the family needs two breadwinners.

So where is the success of this trade policy? Is it working well? Well, we have to acknowledge, yes, it is working well for some. We were all delighted to read several weeks ago that the CEO's of major American corporations last year saw a 54-percent increase in their compensation. Hey, that is not too bad; a 54-percent increase. The average worker barely kept up with inflation, and some workers went below inflation, continue to see a decline in their standards of living.

□ 2045

The average CEO is now making over 200 times what the workers in the company are earning, which gives us by far the most unfair distribution of wealth and income in the entire industrialized world.

So I think there is a little bit of confusion when our friends in the corporate media tell us how good our trade policy is doing. They hang out at the country clubs with their other rich friends and they all talk to each other and say, "Hey, how are things going, Joe?" "Pretty good. Made 60 percent more this year than last year." Write an editorial, things are going really good.

But they forget to go into the small business community and they forget to go into the factories and into the plants. Talk to workers there and what do the workers say? They say, "They cut back on our health care benefits, they lowered our wages, they are forcing us to work more hours for less pay." But that is the part of America that we do not see reflected here in this Congress very often, we do not see reflected in the editorial pages of America's newspapers.

The whole issue of so-called free trade is not very complicated. Just imagine any community in America, any normal community, and just suddenly see the size of that community double and that the people who came in were prepared and forced to work for 20 cents an hour or 40 cents an hour.

Now, what do we think would happen to wages and benefits in that community? It does not take a Ph.D. in economics to figure it out. Employers would much prefer to pay people 20 cents an hour or 40 cents an hour. I think in Vietnam now they have gone down to 6 cents, that Nike has finally reached the lowest of the low, that in Vietnam they can hire people at 6 cents an hour. So what do you think happens in a community with wages? They go down and benefits go down.

So-called free trade that exists right now, whether it is MFN with China or NAFTA, is an effort by corporate America to take decent-paying jobs in this country to desperate Third World countries, exploit the people there, rather than pay American workers a decent wage.

It seems to me that our challenge is not only to end the exploitation of Third World workers, but to develop trade policy and tax policies that say to the Nikes and the other major corporations in this country, "Hey, come back to this country. If you want Americans to consume your products, how about giving them a chance to manufacture those products?"

I think this is the crux of the entire economic crisis that we are facing. We have to get a handle on this trade crisis, or else we are going to see the middle class continuing to decline and the standard of living of working people go down and down.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his comments.

I said a little earlier, before the gentleman arrived, that our trade deficit with Mexico and with China together is approximately what our annual deficit in this country is in our Federal budget. The real focus ought to be on our trade deficit, because pretty soon people are not going to have the money to buy the products. Who will buy the products?

If we keep competing to the bottom as we are forced to under this non-system, this unfettered free market process that we are engaged in, we are going to have a hollow shell. The top 20 percent will be there, they will be fine, they will be okay, but the folks underneath will not have the wherewithal to purchase and then we will start to see a decay in our economy slowly.

I yield to my friend from Ohio [Mr. KUCINICH] who has been here, and I thank him for staying this evening and for his contribution to this debate which has been substantial.

Mr. KUCINICH. Mr. Speaker, I thank the gentleman from Michigan [Mr. Bonior] his leadership that he has shown for this country on this most significant of economic issues. The American people really owe the gentleman a debt of gratitude for being willing, week after week, to come before the people and state the case for the American people to look at this issue and to consider the impact it is having on their lives. I appreciate the chance to be here with my good friends, the gentleman from Vermont [Mr. SANDERS], the gentleman from New York [Mr. OWENS], and the gentlewoman from Ohio [Ms. KAPTUR].

As the gentleman just stated, we have these raising trade deficits. As a matter of fact, since NAFTA was passed in 1993, our combined trade deficit with Canada and Mexico has gone up about 400 percent, 400 percent. When we see a trade deficit go up, that means that jobs are being created there but we are losing jobs here. It is very simple. We are not finding any way that we can make up for that. It is not happening.

So in Mexico alone, I think in 1993 we had a surplus of trade with Mexico of about $1.7 billion. The last figures for 1996, we have a trade deficit. The surplus went to a deficit of $16.2 billion, and that is all due to NAFTA.

Mr. BONIOR. Mr. Speaker, it is a loss of jobs, but what happens often, and we have talked about this before, is that these people get other jobs. They lose

their jobs because they move to Mexico or China or Indonesia or elsewhere. The people get other jobs eventually, often, but the studies that we have seen show they get jobs at wages that pay about 60 percent of what they were earning originally.

Mr. KUCINICH. And that is inevitable.

Mr. BONIOR. That is why, as the gentleman from Vermont [Mr. SANDERS] correctly stated, people are now working two and three jobs and they do not have time for their families.

Mr. KUCINICH. Mr. Speaker, when we consider, as we just spoke of, a combined trade deficit increasing by 400 percent over a 3-year period with respect to Canada and Mexico, and now when we consider China, the United States trade deficit with China has grown at a faster rate than that of any other major United States trading partner. The level of imports from China more than doubled between 1992 and 1996, and the United States trade deficit at this point is about $40 billion. That was in 1996, and of course China is the fourth largest supplier of United States imports.

So what are we taking in from China? I think most people would remember they are toys and games, footwear, clothing and apparel, and telecommunications equipment. That is what we are bringing from China to the United States, and all of those industries, which were very good industries in this country at one time, have been greatly affected. The people who worked the jobs manufacturing those goods have had to go to other areas where, as the gentleman from Michigan points out very correctly, if they are working at all they are working for a greatly reduced wage.

Now get this: What are we sending to China? Because people will say our exports have increased. Sure. Here is what we are exporting. We are exporting aircraft plants and equipment. Aircraft is one of our three major industrial legs that this country stands on. It is like a tripod. We have aircraft, steel and automotive. Well, we are now slowly starting to damage that very significant part of our industrial structure by exporting plants and equipment from the aircraft industry, and we are also exporting automotive plants and equipment, which is the other, which is the second part of that three-part equation.

Now, we wonder why that is happening. Well, as a matter of fact, China is actually demanding, as a term of doing business with them, that we export technology. In effect, we are blindly devoted to trade at all costs.

I am not opposed to trade. I do not think there is anyone here in this Chamber this evening who is opposed to trade, but we should not let free trade mean that we trade away jobs in this country, we trade away the level of wages which people have worked a lifetime for, we trade away our basic political rights, we trade away our environment. That cannot be the kind of trade that we can be involved in. But we are blindly devoted to free trade with nations like China, which at this point the U.S. is involved in giving China high-tech weapons production equipment in order to sell some U.S. aircraft.

My colleague from Vermont [Mr. SANDERS] probably heard about that. According to the Wisconsin project on nuclear arms control, the United States sold to China machine tools which were previously used in Columbus Ohio to produce the B-1 bomber. The tools included high-tech milling and measuring machines and a giant stretch press used for bending large pieces of metal.

Now the Chinese Government insisted on getting the high-tech equipment as an incentive so they would purchase aircraft from an American manufacturer. China promised that once they got the equipment, they would only use it to produce civilian aircraft.

Well, guess what? Once the deal was done, the Chinese Government housed the tools in a missile base. Now, think of what that means in terms of security, let alone the economy. The Commerce Department, when they realized the mistake, advised sanctions on China, but they were overruled by people higher in the government.

I point this out because there are implications which are political, economic, and human rights implications, and I certainly feel that discussions like this give us an opportunity to bring these facts before the American people, because people have a right to know what is going on in the name of free trade, about how their jobs are being traded away, about how our trade deficit increases, how we ask the American people to sacrifice, to sacrifice their jobs and their standard of living, but no one is demanding that other nations involved in these trade relationships shape up with respect to their responsibilities, both to this country as a trading partner and to their own people.

At this time I would be glad to yield back to one of my colleagues, as we are all here to participate in this important discussion.

Mr. BONIOR. Mr. Speaker, I thank the gentleman for those comments, and they are right on target. I would like to yield now to the gentleman from New York [Mr. OWENS], and then to my friend from Ohio [Ms. KAPTUR].

Mr. OWENS. Mr. Speaker, I would just like to comment briefly, because I think I have an hour after this where I will be continuing the discussion of the downgrading of the wages of American workers, but I want to thank the minority whip and my colleagues for continuing this crusade to educate the American public, to educate American workers.

We have just seen the majority of the masses of France sweep out a government that wanted to take care of the economy on the backs of the people at the bottom. We have just seen in Canada the same kind of phenomenon where the people on the bottom said "No, we're are not going to take it any more," and they swept out, they almost swept out a government that insisted that the only way they could make the economy work was by putting one more burden on the people on the bottom, taking away their benefits, lowering their wages, a worldwide movement to press down wages.

We always favored globalization and thought of taking the American standard of living to the rest of the world. We were going to raise the standard of living of the world. We did not know that globalization meant that we were going to have wages brought down to the lowest common denominator.

We can measure this process in the trade balance, the deficit with China, in terms of trade, the deficit with Mexico. We can measure the amount of jobs they are taking, the dollar value and the amount of jobs they are taking. It is not so subtle. Our folks need to begin to understand this, and unfortunately we evidently are never going to have the help of the mass media, so we have to keep the crusade to educate the American public going on.

Mr. Speaker, I will stop at this point because I want to talk about a new factor that has entered into this process, and that is, you push the welfare recipient into the labor market and they are supposed to work at less than minimum wage. So that is a new pressure, in addition to telling the worker, "If you don't shape up, if you join a union, if you do anything I don't like, I'm going to take your job to Mexico." These are to welfare recipients at less than minimum wage, so that is a double threat.

Mr. BONIOR. Mr. Speaker, I thank my colleague for his contribution. That is an important theme. It is really unconscionable when we think about what is happening here. Yes, sure, we want people to work, but we will not even pay them a minimum wage to work, we will not even give them the dignity of a decent wage. That is what is happening.

As I stated a little earlier in my comments, workers are not even safe with a minimum wage job if they live on the border near Mexico. People in El Paso, TX who were making $4.75 an hour are now losing their jobs to Mexico.

So this effort on the part of governments, per the gentleman's comments with respect to people moving off welfare and not being able to get a decent wage for the work they do, and the international, multinational effort to

drive wages to the bottom, I mean it is amazing what is going on here, and people are picking it up. I mean there is something happening out there. It is slow, but people are figuring it out when they are working two and three jobs to make ends meet; when they get another job after they have been laid off and only at 60 percent of what they have been making; when we are seeing, as the gentleman currently points out, looking at the elections, by the way, last week.

□ 2100

I was sitting there. The NDP, the New Democratic Party, did very well. They doubled their number of seats in the Parliament last night, and a lot of that was based upon these faulty trade globalization policies. Of course, as we know, in France, the people in France were not willing to put up with this unfettered free market with no responsibility to the social cost to people. People are starting to understand that there needs to be some mechanism to stop this unfettered globalization from eating people up and eating all the gains we have made over the last number of years.

I yield to the gentlewoman from Ohio [Ms. KAPTUR], who has some charts I think she wants to share with us this.

Ms. KAPTUR. Mr. Speaker, I want to compliment and thank the gentleman from Michigan [Mr. DAVE BONIOR] for being so vigilant and having these special orders to help educate our Members and the American people to what is happening with trade agreements, jobs and wages in this country.

I am honored to join the gentleman from New York [Mr. MAJOR OWENS], my classmate from the class of 1988, and also the gentleman from Ohio [Mr. DENNIS KUCINICH] who we are so pleased to have here, and my good friend, the gentleman from Vermont [Mr. BERNIE SANDERS] who has been our partner in these efforts over the years. I think, as the gentleman from Michigan has said, we have made headway with the American people, though we still have not made sufficient headway here in Washington, but it is improving. We are making progress.

I just wanted to present a couple of pictures here that I took myself on a trip that we took to Mexico to point out what is really at issue here. We are talking about the ratcheting down of wages and working conditions in our country.

This is one of the companies, it is called Gigante Verde in Mexico, but it is Green Giant as we know it here in this country, a company that moved lots of jobs out of California. We are talking about the wage issue.

If Members look down here, they moved to Irapuato from Watsonville, CA; hundreds of jobs lost in California, where the workers earn $7.61 an hour in California. It is a State that has a pretty high-living standard. It is expensive. Seven dollars and 61 cents an hour is not a whole lot. In Irapuato, however, Green Giant, which ships all that product back here, because it is frozen and we have freezers here, and the average homemaker in Mexico does not, they pay $4 a day to their workers there.

The draw is obvious: Production moving in the agriculture sector out of California into Mexico, workers in the processing plants paid much less than in this country, and Green Giant making huge profits.

The next chart, or it is actually a photo that I took, I had to take it with three pictures because it was so large, this is one of the companies that moved from New York. We will go to the other part of the United States. Trico Corp. makes windshield wiper blades.

This is a picture of the plant relocated from Buffalo into one of the maquiladora areas in northern Mexico. I do not think, unless a citizen has traveled to Mexico and has seen the vastness of these plants, they have any idea of the kind of transplantation that is occurring of United States production down to Mexico; and it is not just the United States, but it is international corporations of all stripes going to the cheapest wage havens of the world.

Mr. BONIOR. They are modern plants, they are huge facilities and they are very modern, as we can see.

Ms. KAPTUR. Completely modern. But if you go with a worker that works in this plant to where they live, it is an abomination. The people who work in these plants do not earn sufficient wages to buy anything they make. Their streets are not good enough to drive cars, anyway. They are bused into these locations, largely women workers. Seventy to 75 percent of the people working in this plant are women workers who earn maybe $1, $1.20 an hour compared to what the workers in Buffalo used to make.

None of that production is used by the people of Mexico. It is sent back here on vehicles that are assembled down there. One of the largest components of the trade deficit are assembled vehicles now, cars and trucks that are coming back to the United States.

The last chart, and this is sort of the frosting on the cake, but it makes me so angry I sometimes cannot contain myself, this is the street sign next to that plant. It is called Calle Ohio, Calle Michigan. They have actually renamed the street. You feel like you are living in a surreal world of Hollywood, where they just move the street signs around. It is the intersection of Ohio and Michigan Avenues. The problem is it is a maquiladora in Mexico, and the workers there have none of the rights of the workers in Ohio and in Michigan to earn a decent living, to earn decent benefits.

Mr. KUCINICH. Mr. Speaker, I think I figured out why they call it Calle Ohio, anyhow, Ohio Street; because listen to the cities in Ohio who have lost jobs to NAFTA: Bethesda; Bucyrus; Cambridge; Canal Winchester; Columbus; Dayton; Delaware; Galion; Green; Greenfield; Greenville; Grove City; Hebron; Kent; Marion; North Baltimore; Piqua; Prospect; Sidney; Strongsville; Tipp City; Troy; Willard; and Zanesville. Calle Ohio, indeed.

Ms. KAPTUR. We could go and find those companies down there. In fact, we need lots of missions by church groups and interested organizations around our country connecting the workers who have lost their jobs in this country and then going and finding those jobs. Remember the games we used to play as children, you would follow the string? We need to follow the string, whether it is Vermont, Ohio, California, Florida.

I wanted to place another company in the RECORD tonight that started layoffs this May, just this past month, in the State of Massachusetts, Osram Corp. And when the gentleman from Michigan talked about global production and global sourcing, this company is owned by Sieman's Corp. out of Germany. They are laying off an initial 160 workers at this company in Danvers, MA, starting this past May, just last month, and they do not know how many more they are going to lay off, but they are moving the workers to Juarez, which is in one of the maquiladora areas, and to Mexico City.

If I could just take 1 extra minute to read from one of the articles in the local weekly newspaper up in Massachusetts, it says that the layoffs are significant because they mark the first time NAFTA has impacted the labor force north of Boston. The President of the company said that it had a relationship to NAFTA, which was approved by Congress 4 years ago, but here is what he says in the article.

He says that aggressive pushes by competitors General Electric and Philips BV of the Netherlands into Mexico, where labor is cheap and environmental laws lax, forced Sylvania to reexamine labor costs. He says, "My competitors are selling products at prices lower than my costs." And at that particular plant workers earn $13 an hour, while workers in Mexico earn less than $2 an hour. So they can rake off a lot more profits, whether the multinational is based in Germany and has a subsidiary in Massachusetts, or whether it is located in Ohio and it moves down to Mexico, or to any low-wage haven. That is really what we are fighting for.

Mr. BONIOR. It is not just the low wages, as the gentlewoman has just mentioned. They go down there, and you know, $13 up here, and they pay less than $2 to workers down there, and they do not have to do anything about the environmental standards.

The American Medical Association, a conservative organization by I think anyone's standards, labeled the maquiladora area as a cesspool of infectious disease. That is their words. These multinational corporations do not have the decency to put in sewers, clean water, the infrastructure that is needed for people that make their products, that make that company work down there, to live decently. That is another piece of the tragedy of all of this.

Mr. SANDERS. Mr. Speaker, if I may, the outrage, while all of this goes on, while they do not have enough money to clean up the environment, I was down in Mexico and we talked to women who were having miscarriages because they were working in such unhealthy environments. Children were being born with major birth defects.

They do not have the money to do that, but they do have the money to pay their CEO's 54 percent more this year than last year. They do have the money to hire all kinds of lobbyists to come here to Washington to tell Members of Congress how good this policy is that makes the rich richer and everybody else poorer.

They do have the money to put ads in newspapers all over America telling us how we have to cut back on Medicare and Medicaid and education and give tax breaks to the rich as part of a budget agreement several years ago. They suddenly have the money for those things, but when working people in this country and in Mexico ask for decent wages, gee, there is just no money available. I think this is the untold story of the last 30 years.

What saddens me very much is the corporate media, which is owned by these very same people, is not going to tell the story, but what we are seeing is a situation of unparalleled greed in the modern history of this country, where the people on top are making huge amounts of money, pushing down the American workers, pushing down the Mexican workers, forcing people to compete against each other, destroying the environment so they can sit up with their billions and billions of dollars. It is an outrage, and it is an outrage that this Congress has not effectively dealt with that issue.

Mr. OWENS. Mr. Speaker, the corporate greed we are seeing has absolutely no common sense. What history has clearly demonstrated over the past 50, 75 years is that the locomotive, the engine of the locomotive that drives the economy of America, and the American economy drives the economy of the whole world, is the middle-class consumer. Who are the middle-class consumers but the workers who earn decent wages in the factories?

Henry Ford did not automatically understand it, but he got around to understanding that folks need to have higher wages in order to buy my cars. It is only a matter of time. Nobody believes that what we have in motion is going to kill our economy, but it is only a matter of time when, as the rich get richer on top and they take away the power of the consumers in the middle and the bottom, there will not be anybody to buy these products and the great engine of the locomotive will go dead, and we will all be in a morass in terms of the economy.

The common sense of the American people has to come into this situation. Millionaires want to be billionaires. Billionaires want to be multi-billionaires. It is greed totally out of control and greed that is going to be self-destructive. They are going to destroy themselves as well as the whole American economy.

Mr. KUCINICH. Mr. Speaker, human rights is not just an international issue, something we should be concerned about happening in other countries. Human rights is a domestic issue, too. If someone does not have a job, if someone does not have decent wages, if someone cannot have decent benefits to protect their family's health, if people cannot get a good education, if they do not have rights on the job, their human rights are undermined. That is why these trade issues, GATT, NAFTA, most favored nation, all have relevancy to this country, because it is about our human economic rights in America.

We need to be, and it is good that we are, Congressmen and Congresswomen, standing up for the American people and for their economic rights and insisting that the human economic rights of the people in this country need to be protected, and we do that every time we raise questions, as we are doing this evening.

Mr. SANDERS. In terms of human rights what I get a kick out of is not so many years ago we were told that China was a Communist authoritarian society where people did not have any rights, where people did not have religious freedom. Unless I am not hearing what is going on, not only have things not changed, they have gotten worse.

The State Department last year announced that the situation in China in terms of human rights is worse. With over 1 billion people, they said there are no dissenters. In all of China, nobody, not one person, according to the State Department, is out on the street able to dissent against their authoritarian country.

But what has changed in America? What changed in America is corporate America has said, gee, maybe that is not such a bad place to do business. Hey, why were we attacking these people? No unions, no freedom to stand up and fight back? Sounds like a good place to do business.

So where 20 years ago we were told how terrible Red China is, suddenly these same corporations are now spending millions of dollars to convince us that it is really a very fine place and it is a wonderful place to do business. What better place can you have? You pay people 20 cents an hour. If they stand up and fight back they are fired, put in jail. You have slave labor over there in the prisons. What a good place to do business. Let us continue MFN with China, say our corporate friends.

Fortunately, some of us do not agree with that.

Mr. BONIOR. I thank my colleague. I think that is a good summation to end with tonight. I thank the Speaker for his patience with us this evening, and his indulgence in the last minute or so. I thank all of my colleagues for coming this evening and sharing their thoughts. We look forward to continuing this debate.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998–1999, AND H.R. 1758, EUROPEAN SECURITY ACT OF 1997

Mr. DIAZ-BALART (during special order of the gentleman from New York, Mr. OWENS), from the Committee on Rules, submitted a privileged report (Rept. No. 195–115) on the bill resolution (H. Res. 159), providing for consideration of the (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999 and for other purposes, and for consideration of the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with the Untied States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, which was referred to the House Calendar and ordered to be printed.

DESTROYING ORGANIZED LABOR AND MAKING WORKERS POWERLESS IN THIS COUNTRY

The SPEAKER pro tempore (Mr. GIBBONS). Under the Speaker's announced policy of January 7, 1997, the gentleman from New York [Mr. OWENS] is recognized for 60 minutes.

Mr. OWENS. Mr. Speaker, I would like to make it clear that my colleagues are welcome to stay. The issue I am about to discuss is quite relevant and related to the previous issue.

Mr. Speaker, we are in a situation where, as I said before, there is a drive on to drive the workers' wages down to the lowest levels, and the process of globalization is being used to do that, where corporate powers are moving the jobs and their manufacturing processes

to the areas that have the lowest wages, and there is a continual search that goes on and on perpetually for the lowest wages.

At the same time, we have a situation in our borders here in America where every effort is being made to destroy organized labor, to take away the power of the workers to speak for themselves and to drive the work force here down to lower levels at the same time you are taking away their jobs and forcing them to bargain for lower wages because of the globalization.

□ 2115

We have with the welfare, so called, reform. It was not welfare reform. It was welfare liquidation. We destroyed the entitlement, for that has been in the law for 65 years, that was not reformed. That is elimination, liquidation.

We gave to the States certain powers, and we give them money, but the right for a poor person to expect his government to help to keep him alive is gone. The welfare reform was driven by a call to put people to work. Work was a necessity in order for human dignity to be encouraged. Work was desirable and work was available. We insisted that the work was available in spite of the fact that we had high unemployment in all of those areas where you had a large welfare case load, large numbers of people are on welfare in the areas where you have the biggest unemployment problems.

So now we have a situation where we have pushed and are pushing people off the welfare rolls. We are insisting that there are jobs, and as we mobilize to put more and more people to work, what is happening is that we have created a situation where people are being forced to work for less than the minimum wage. And when accusations are made that this is a movement toward slavery, people are upset. They say how dare you use the word slavery.

Let us stop for a moment and consider the fact that on the plantation everybody had a job. There was no unemployment on the plantation. You might have great varieties in terms of fringe benefits in terms of housing provided or decent food, but everybody had a job. You can have a situation where everybody has a job, and you can take away the dignity of people through the job but not paying them a decent wage, you can drive down the wages to the point where we have a new class of people, what you might call urban serfs or suburban peasants.

Mr. Speaker, they are in a situation where they are locked into accepting whatever is given them, but it has nothing to do with the relationship with what they need and what the standard of living is in our particular society. So we are driving down wages now by introducing into the labor market a new class of people, putting them in jobs and paying them less than even the minimum wage which is totally inadequate.

We have had previous discussions about how inadequate the minimum wage is. It is going to go up to 5.15 an hour, it is now at 4.75. If you look at what it takes to maintain a family, you can make the minimum wage and work every eligible hour during the year, and still you are in poverty according to our own standards.

So I want to open the discussion in terms of the new threat, the additional threat in addition to most-favored-nation status for people for countries like China in addition to NAFTA and in addition to GATT. We now have a drive on within our own society to finish the job and it is not unrelated, what is happening to welfare recipients and workfare and the movement to try to force people to work for less than the minimum wage is not unrelated to the total Republican attack on organized labor.

Unprecedented, an unprecedented attack has been launched in this Congress, the 105th Congress, a Congress that prides itself on seeking some new bipartisan options and wanting to be more civil. In no way is it acting civilly or behaving in a civil way toward organized labor. They have come out pushing very hard to destroy organized labor.

There is a thorny campaign on to promote union democracy which would take away the rights of labor unions to finance the political education of their own members. There are new ambushes of Davis-Bacon, the prevailing wage requirements, new ambushes that are being prepared, riders on bills unrelated to work force issues. There is the whole cash for overtime swindle where, instead of giving people cash for overtime, they are going to take it away and give them time off at the boss's discretion and convenience.

There is a continuing drive to gag the Occupational Safety and Health Administration. There is a continuing refusal to recognize ergonomics, what that means in terms of repetitive motion disorders to workers. There is a new drive to pass the union busting law called the Team Act, which allows the bosses almost to hand pick the shop stewards. And there is a new slashing of the budget for the National Labor Relations Board which is being threatened. And they are harassing the National Labor Relations Board. And then there is NAFTA, GATT, most-favored-nation treatment trading status for China that we have been talking about here previously.

Mr. Speaker, I yield to the gentleman from Vermont [Mr. SANDERS], who might want to comment on this, which is a continuation of what we were talking about before, the drive to push the wages of labor, of the working class down to the very lowest level.

Mr. SANDERS. Mr. Speaker, I thank the gentleman for yielding to me. The issue that he is talking about is the most important issue facing our society, and that is that never before in American history, at least the modern history of this country, have the people on top had so much wealth and have had so much power. What they are doing with that wealth and power is using it to make themselves ever more rich while they are squeezing and shrinking the middle class and creating a new class, urban serfs.

Mr. OWENS. And suburban peasants.

Mr. SANDERS. What you are talking about are the millions and millions of people who are desperate, who have no place to go and that is what is going on in this country.

There is one point that I want to add to what my colleague was saying. And that is my very great fear that the American people are not reading or seeing on their TV's or hearing on their radios much about this reality, which is the most important development that has taken place in modern American history. This is the story of the century, that the American middle class is shrinking, that the gap between the rich and the poor is growing wider, that people are working longer hours for low wages. But somehow when we turn on the TV in the evening, we do not see that story. We see O.J. Simpson and we see everything else in the world, but we somehow could not see that story. How come we do not see that story? It is tied into everything else that we are talking about.

Who do we think owns the media? When we talk about sweatshops in desperate Third World countries, when we talk about companies downsizing and throwing American workers out on the street, we are talking about companies like Disney who, among other things, owns ABC. When we are talking about companies going to Mexico to pay people substandard wages or going to China, we are talking about General Electric, who happens to own NBC. And Westinghouse happens to own CBS, and Rupert Murdoch happens to own Fox, multibillionaire who is extremely right wing.

So it is no great secret that the American people do not see the most important realities facing their lives on the television. They turn on the TV, they see everything else in the world except what is going on in their own lives.

I think one of the issues that I would add to the discussion is the need to tackle the very important issue of corporate control over the media. It is not just television. It has to do with newspapers as well. Let me mention a very wonderful book written several years ago by a former journalist named Ben Bagdikian, the Media Monopoly. Let me quote from Mr. Bagdikian or paraphrase what is going on in newspapers in America.

Eighty percent of the daily newspapers of this country were independently owned at the end of World War II. They were owned by people, not huge corporations. Today, 80 percent of daily newspapers are owned by corporate chains. Just 11 companies control more than half of the dailies, half of the Nation's daily newspaper circulation. And then we wonder when we have this NAFTA debate, gee, is it not a great shock that every major newspaper in America ends up being pro-NAFTA. In fact, 98 percent of the daily newspapers in America have a monopoly as the only paper in town. You have a one-newspaper town.

Although there are more than 11,000 magazines published in the United States, today just two corporations control more than half of all magazine revenues. When you go to the newspaper stand and you see all of those magazines, what you end up finding out is that these magazines, many of them are owned by a relatively small number of corporations. Although there are 11,000 local cable television systems, only 7 companies have a majority of the 60 million cable TV subscribers.

Three companies own more than half the television business, four companies own more than half of the movie business, five companies rake in more than half of all book revenues.

So there is a reason why people do not feel engaged in the political process. There is a reason. My colleague mentioned, I think very perceptively, what has been going on politically around the world in the last month. The change in England with the victory of the Labor Party, the change in France with the victory of the Socialist Party, the fact that the NDP did very well in Canada. What we are seeing is people all over the world saying, no, we do not have to deal with the absurdities of the global economy which lower our wages. But in this country it is very hard for people to learn about what is going on because of corporate control over the media. I think that is one of the reasons why we end up having by far the lowest voter turnout.

In England, I think they were disappointed. Their voter turnout was perhaps 70 percent. They were disappointed. It was a low turnout. Canada, it is usually above 70 percent. My guess is in the next congressional elections, probably 35 percent of the people will vote. Low-income people, working people have given up on the political process. One of the reasons I would suggest is that, when they read the papers and they read the magazines and they see the television, their lives and the pain of their lives is not being reflected in what they are observing. I think that is an issue we have to discuss.

Mr. OWENS. I think the fact that the British economy in general was performing very well, they say we have prosperity. What the common ordinary people in Britain understood was that more and more people at the top were getting more and more of that economy, and they were getting less and less. The great shock was they swept overwhelmingly, they swept out a party at a time when prosperity, so called, was very much in motion there.

Mr. SANDERS. If the gentleman will continue to yield, the gentleman raises an interesting point, because there are strong similarities between the economy in England and the economy in the United States. And that is our unemployment. England's unemployment is lower than western Europe, but what they forgot to tell us was interesting. Do you know what the wages in England were compared to Western Europe? They were, according to the New York Times, 40 percent less, 40 percent lower. So what they sacrificed were decent wages, and they created a whole lot of low wage jobs, which is what we are doing in this country.

In this country, 20 years ago the United States led the world, we were No. 1 in terms of the wages and benefits, highest wages in the world, we were No. 1. I know that we do not see it on CBS too often. Rupert Murdoch does not talk about it too often, but today we are 13th in the world. German manufacturing workers make 25 percent more than our workers. These people have 6 weeks paid vacation. They have a national health care system. Their kids can often go to college for free. We do not talk about that too much.

Mr. OWENS. We have traded places with Great Britain where the gap between the rich and poor used to be the greatest. We are now, democratic America has now the greatest gap between the rich and the poor. It is the phenomenon that has taken place. It has nothing to do with capitalism per se. The argument about capitalism and what it does to an economy is an argument, I think, that is just about over.

It appears that humankind prefers a capitalist system. It seems to be compatible with the way human beings are built. We are not talking about capitalism automatically creating this kind of condition. Capitalism can be compassionate. Capitalism can be more creative. They have a capitalist system in Sweden. They have a capitalist system in a number of other places. Norwegian workers do very well. There are a number of places where they choose to use their resources in certain ways and they choose to throttle the runaway spirit of greed which creates more and more billionaires and multibillionaires. We ought to see ourselves differently.

Mr. Speaker, President Clinton has said that America is the indispensable Nation in today's global society. I agree. I think capitalism has, in fact, demonstrated that perhaps capitalism is an indispensable economic system of humankind. There are all kinds of capitalism. Chinese capitalism uses slave labor in prisons, and we are buying into a system with China where we are willing to buy the products of slave labor.

More and more of those products are flowing into this country. We have an enormous trade deficit with China. It took over a very short period of time. The Japanese deficit grew slowly over the years, but the deficit, by deficit I mean we are buying so much more from China than China is buying from us. If you want to know what these deficits are about, a trade deficit is when you are buying so much more from one country, from a country than they are buying from you. We are buying many products that should be manufactured in our own country. We are buying products that our workers here used to make. We are buying those products from the Chinese. We are doing all of that in terms of the globalization that we talked about in the previous hour, driving down the wages by moving from one country to another to find the lowest wages.

□ 2130

But here in this country the attack on organized labor is an attack which seeks to drive down the wages of the workers. And the latest development is the fact that we have had new low-wage workers introduced into the labor pool via welfare recipients.

In my city of New York, workfare they call it, is expanding. We have one of the biggest workfare programs in the country, where welfare workers go to work for city agencies. Now, we also have one of the biggest reductions in the number of workers on city payroll at the same time. They say, well, this is being done by attrition. After all, the mayor of the city is running for reelection this year. He is not laying off anybody. But they are not hiring anybody. They have not hired anybody for the last 3 years. And they had a process of encouraging workers to retire in various ways, pressing them to take packages to retire.

So the civil service work force in New York has been reduced while the workfare work force has gone up. The workfare people, who are welfare recipients while they are on workfare, are working for less than minimum wage. They have to work a certain number of hours in order to get their grant. And if we divide the number of hours into the grants, we will find the amount of money per hour is lower than minimum wage. Add to that that there are no fringe benefits attached to that work. Of course, they are still on welfare so they are fortunate enough to be able to continue to get Medicaid for health care.

So we have a situation where from within the country pressures are now

on to drive down the wages by forcing more and more low-wage workers into the market. The White House has reached to call for a minimum wage in workfare plans. They say we must pay welfare workers a minimum wage. That set off a whole chain reaction. That chain reaction, we understand, may culminate in a bill on the floor of this House very soon.

There is one rumor that Ways and Means is preparing it now, which will make it clear that by order of this government, people must work for less than minimum wage. We are going to put that into a law. There is a great deal of alarm about it. We have been meeting today among members of the Congressional Black Caucus. We want to call this to the attention of our fellow members of the Democratic Party, we want to call it to the attention of all of the Members of the House and to the attention of the American people.

We want to sound the alarm right now, let us not sit here in Washington and make laws which will create a new class of workers, urban serfs, suburban peasants, whatever we want to call it, people working for less than minimum wage. Minimum wage is already inadequate. We will not accept anything below the minimum wage.

Mr. Speaker, I yield to the gentleman from Vermont.

Mr. SANDERS. The point the gentleman is making is that many people out there may say, well, that is too bad, but it does not affect me. But it does affect us, because what is going on, if an employer can hire somebody for $3 an hour, for $3.50 an hour, that means all wages will go down as well. That is what this effort is about. It is not only to save money by hiring people below the minimum wage, it is to push everybody's wages down in exactly the opposite way that when we raise the minimum wage working people's wages will go up.

The gentleman before made an interesting point, and I want to pick up on that because, again, it is an issue that is not discussed very much on the floor of the House. He said, quite correctly, that the United States now has the most unfair and unequal distribution of wealth and income in the entire industrialized world. They used that dubious distinction that used to accrue to Great Britain, with all their dukes and queens and kings.

The point is that today the United States has claimed what England used to have and that we now have, the most unfair distribution of wealth and income.

When we talk about economics, ultimately, like a football game or a basketball game, it is about who wins and who loses. And what is going on in the United States today is that we know who is winning. We know the wealthiest 1 percent of the population now owns over 40 percent of the wealth, which is more than the bottom 90 percent. So we have 1 percent owning more wealth than the bottom 90 percent.

When we hear about the booming economy, we should know that between 1983 and 1989, 62 percent of the increased wealth of this country went to the top 1 percent and 99 percent of the increased wealth went to the top 20 percent. Meanwhile, the middle class shrank and poor people were working at lower wages than for many, many years.

And when we see the unfair distribution of wealth in general, we also see recently the outrageous situation that CEO's in the United States of America, the heads of large corporations last year had a 54 percent increase in their income while many working people saw a decline in their real wages. And CEO's now earn, on average, more than 200 times what the worker in their company earns, which is by far the largest spread in the industrialized world.

So I think when we talk about the state of the economy, it is important to understand who is winning and who is losing, and the reality is that the people on top have never had it so good, the middle class is shrinking, and working people all over this country are working longer hours for lower wages and barely keeping their heads above water.

Mr. OWENS. I thank the gentleman. The story is that we are the wealthiest nation that ever existed on the face of the Earth. The wealth of America is constantly increasing and the wealth of wealthy people throughout the world is constantly increasing.

There is no reason why minimum wages cannot be provided. There is no reason why health care cannot be provided for everybody. There is no reason why we cannot have a totally different kind of society even within the structure of capitalism. There is no reason why it cannot happen. It is the blindness, the shortsightedness of the people in power and that have the money that continues this condition.

And the fact we went to great lengths to push people off welfare and with the myth that there were jobs out there, and now we are pushing them into the work force to undercut the lowest paid workers and compete with those that have jobs.

Mr. Speaker, I yield to the gentleman from Illinois.

Mr. DAVIS of Illinois. Let me first of all thank the gentleman from New York for yielding. It is certainly a pleasure to join here this evening with the gentleman from Vermont and the gentlewoman from California as we discuss what I think is one of the most serious issues facing America.

It seems to me that right now, as we prepare to implement welfare reform, as it is being called, or as we prepare to implement the right for people to go from welfare to work, or the enforcement of people going from welfare to work, that rules are being changed.

We have just seen the rule changed in the meaning where volunteerism in one place means mandatory in another place. Now we see an attempt to change another set of definitions and another set of rules. Individuals who work have the right to be protected by Federal standards. Now we are being told, or it is being suggested, that individuals who may be welfare recipients and have the opportunity or get the chance to work under some Government-sponsored program, that they will not be defined as workers, they will not actually be defined as having a job because they will not have the same protection.

Well, work, to me, seems to be work. And so there is something sinister happening in America. There is something that is difficult to define. It seems as though we are bent on moving backwards rather than moving forward; that there are those who are attempting to take us back to the dark ages. And I think that if there was ever a message being sent to low-income people, if ever a message was being sent to individuals who have need for public resource, if there was ever a message being sent to the physically challenged, to those who suffer with disabilities in our society, then that message is to organize, to come together, to educate, agitate and activate, to stimulate real movement so that all of the forces that are being attacked will have an opportunity to protect themselves. There is unity in strength and there is strength when groups are unified.

So this is a time when all of America really should unify to protect the rights of those at the very bottom. I thank the gentleman from New York and yield back to him.

Mr. OWENS. I thank the gentleman from Illinois and I yield to the gentlewoman from California.

Ms. MILLENDER-McDONALD. Mr. Speaker, I thank so much my dear colleague from New York and also my colleague from Vermont and from Illinois. I could not help but to come to this floor when I heard the gentlemen speaking about the issue of minimum wage.

Certainly I was one of those who cast a vote in favor of that last year, but as I look at an article in The Washington Post, and it speaks to one of our colleagues, Republican colleagues, who is suggesting that a solution with reference to persons being paid below the minimum wage would be to pass legislation that would say the minimum wage would not apply, and another would be to say that all of the benefits that people are receiving would count toward calculating the minimum wage.

I think this is absolutely deplorable. As I looked at my colleagues last year,

those who voted on this minimum wage, I was encouraged that perhaps we were moving forward, as the gentleman from Illinois said. But then as I went back home to my district of Watts and Willowbrook, Compton and Lynwood, Wilmington, and had to meet the welfare recipients of my district to tell them of a welfare bill that was passed that said that they had to move from welfare to work, though they were discouraged, they thought, well, maybe, just maybe, jobs can come where we can get off of welfare. They do not want to be there. Maybe, just maybe, job training will come that will allow us to go from job training to jobs and then have a job where the wages will be as such where we can sustain ourselves and our families.

So last year this body passed and the President signed this welfare reform bill that commanded welfare recipients to go to work. This bill did not tell them how to find a job, how to work, where to work, who would train and hire them, or how to get to work. The bill, nonetheless, ordered them to get out and seek employment. In essence, the bill commanded them to swim or sink.

If there was an upside to that legislation, it was the fact that early in the session, as I said, we voted to raise the minimum wage in this country from $4.25 an hour to $5.15, giving the low-wage earners in this country, many of whom are welfare recipients and former welfare recipients and current welfare recipients, a much needed lift.

When I cast my vote in favor of raising the minimum wage, which was supported by over 80 percent of the American public, I was under the impression that I was doing so for all Americans, including welfare recipients. We are not creating new laws, but rather applying current laws to those employees who are making the transition from welfare to work. So how can some Republican Members of this body demand that a citizen of this country leave the welfare rolls and go to work, then in the same breath deny them the minimum wage for an hour of work?

Workfare employees not only should but need to be treated the same as any other employee. To do otherwise is unfair to them and the employees they work with. Welfare recipients in workfare programs should be entitled to the same protections under Federal labor and antidiscrimination laws as other employees. The work participation rules of the new welfare law require a single parent to be engaged in a job activity for 20 hours per week in fiscal year 1997.

□ 2145

For an adult in a two-parent family, 35 hours a week are required, and a single parent is required to work 25 hours in fiscal year 1999 and 30 hours in fiscal year 2000. How can a mother afford child care for her children in addition to the basic needs of food, shelter, and clothing with an income well below the minimum wage?

Mr. Speaker, I think it is deplorable. I ask my colleagues, why are we doing this to persons who recognize that they must leave welfare to go to work and yet they are being told that now, if they should find a job, there is a possibility that they will not get minimum wage?

I do not know where we are going in this country, because the very fundamental rights are being stripped from the people, not only those whom I serve, but all of us; and yet, we have some of our Republican colleagues who do not share our beliefs of opportunity and fairness.

Under the proposal that I have just read, they plan to introduce workfare participants with a plan that may deny the same minimum wage that is provided to other workers, may be required to perform the same work as other employees, including hazardous work, at a lower rate of pay and without any OSHA protection, have no title 7 protection against sexual harassment or racial discrimination, and would not be entitled to the provisions of the Family Medical Leave Act. It is preposterous.

I am concerned about how this proposal will affect the State of California and my district, the 37th Congressional District. One in twelve Californians receive welfare benefits, and 10 percent of Los Angeles residents receive welfare benefits. The only way to make the transition from welfare to work is through obtaining quality job skills and minimum wage.

The State grants under the Temporary Assistance for Needy Family Programs are set at the 1994 levels. Caseloads have fallen to 4.1 million, yet the States receive funding for 5 million families. This difference creates the opportunity to pay workfare workers at the minimum wage they deserve and need.

I say to my colleagues, I am ready for the fight. I cannot believe that anyone in this body would now try to slip not only the rug from under people but the very basic principles of fairness and opportunity. Providing minimum wage to workfare employees is not only the fair and right thing to do but the necessary step to end welfare dependency.

Mr. Speaker, I am with my colleague on whatever he proposes. I am here for the fight and the long haul to ensure that fairness to my constituents and to all constituents throughout this country who are trying their best to move from welfare to work get the respect, the fairness, and the opportunity they deserve.

Mr. OWENS. I want to thank my colleague, the gentlewoman from California [Ms. MILLENDER-MCDONALD], and say that she is ready to fight. And I want her to know there are a number of other people in this country who are now quite alarmed by what is happening and they, too, are ready to fight.

There has been a recent set of mobilizations proposed by the religious community. They think this is immoral, that we cannot talk about welfare reform, meaning the people must go to work and we start defining jobs as something less than a job.

When we operate in America, we operate under the Fair Labor Standards Act. A job must pay minimum wage, must provide benefits, must protect you from discrimination, it must give you safety. Everything under the Fair Labor Standards Act must be there in order for a job to be a job in America.

And the people are upset. A coalition of 18 of the Nation's most prominent civil rights, labor and welfare and civil advocacy groups have urged President Clinton to grant welfare recipients rights to a broad array of legal protections against discrimination and unjust treatment on the job. The Leadership Conference on Civil Rights and 17 other groups asked President Clinton in a May 15 letter to make the civil rights and economic security of low-income individuals and families a higher national priority as States implement the new welfare law.

The Lutheran services in America have issued a proclamation that in none of the various organizations where they employ people or that they are affiliated with that employ people may any organization pay welfare recipients less than the minimum wage or provide less than fringe benefits that are provided to other workers.

So we should sound the trumpet. I think the Congressional Black Caucus have made it quite clear that we intend to appeal to our colleagues in the Democratic Party here in the Congress, we intend to make appeals to the entire Congress, Members of both parties.

Remember that the minimum wage was a very popular issue in the last Congress, that there were people that said they would never permit it to pass, that it would only pass over their dead body. But the American people let it be known, they thought it made sense. They thought it was the right kind of morality for America. They thought it was fair and just. Eighty percent of the American people said they wanted an increase in the minimum wage. We got an increase in the minimum wage.

Mr. Speaker, I think what has to happen now is the American people, the workers out there, the people who belong to the caring majority and believe in doing the right thing, even though they are all right by themselves, they do not want to turn their backs on other people who ought to have a fair opportunity to earn a living under right working conditions with a minimum wage.

All that is in motion now, and I think we should go forward to see to it that nothing is passed on the floor of this House that begins to roll back the clock, that takes away the right of workers who happen to have been or are present welfare recipients. A worker means that you are under American FSLA, Fair Standards Labor Act, under all the added discrimination laws, under the OSHA laws for safety. That is what it means to be a worker in America.

Ms. MILLENDER-McDONALD. Mr. Speaker, my colleague, the gentleman from New York [Mr. OWENS] is absolutely right.

I am encouraged, though, as we have read this information and this proposal is now being put into print, that the religious communities are coming forth now with us, educators, parents, college students. They have now seen the disingenuous nature by which this proposal is being brought forth.

I say to my colleagues that we will not stop the Congressional Black Caucus, and I am sure the Democratic Caucus and all other fair-minded people will not stop until we defeat this proposal. If we are going to insist that people move from welfare to work, we must do so in the fairest, the most sensitive way that we can.

I again thank my colleague so much for bringing this to the floor so early so that I can get my quest in and my position on this issue right up front. I will be meeting with people tomorrow, women's groups, religious groups, and I will not stop until we defeat such a very contentious proposal as this.

Mr. OWENS. I thank the gentlewoman from California. We do not know how late the hour is really. We may have on the floor this week or early next week an attempt to codify the denial of the payment of minimum wage and other worker benefits to welfare recipients.

Mr. DAVIS of Illinois. I thank my colleague very much, and that is why I think that the whole concept of eternal vigilance is so important. That is, we have to be watchful all the time. We also have to be real about the whole business of how many jobs are there really, how many jobs are there really for many of the people that we are talking about, people who in many instances do not have the skills, have not been trained.

As a matter of fact, I am reminded of an incident that took place the other day where a fellow that I know went out looking for a job and he looked every place that he could possibly look. Finally, he ended up at the zoo. He talked to the zoo keeper, and he said, "I really do not have anything." Then he remembered. He says, "You know, my gorilla got sick. I have got a group of kids coming in. They want to see a gorilla. I will give you $100 to be the gorilla." So the fellow said, "Look, I am from the west side of Chicago. For $100, I will be anything you want me to be because I want to work, I want a job." He put the suit on. The kids came in, and he kind of beat his chest a little bit and the kids clapped. Then he jumped up on a trampoline and did a flip. The kids clapped again. So he decided to do a double somersault. And he flipped over into the lions' cage, fell on his back laying prostrate. The lion starts to come toward him, and he looks over at the zoo keeper and says, "Help."

The guy did not respond. The lion is still coming. He says, "Help." Still no response. The lion decided that he would then take advantage of the situation, so he got ferocious, began to growl and made a charge. The guy says, "Help." The lion says, "Shhh, you are going to blow both our covers."

And, so, my point is that the availability of jobs is not nearly what we are led to believe. I hear us talk about 4.9 percent unemployment. It is not 4.9 percent unemployment in inner city America. It is not 4.9 percent unemployment in the neighborhood and community where I live. And, so, we need economic policies that will also create jobs for which people can actually work and earn a decent wage, a livable wage. And there is only one way to do it, and that is to keep the action up, keep the heat on, keep pressing forward, keep moving. I believe that the American people will, in fact, respond.

Mr. OWENS. Mr. Speaker, I want to point out that the problem of putting people to work on welfare and the problem of providing decent jobs and wages for workers is not unrelated to the overall scene here in this House.

The budget drives everything. We have certain developments in the budget which automatically take away job opportunities. We have a great decrease in the amount of public housing construction and repair. We have a great decrease in terms of money available for school repair and renovation. In fact, they took the whole Presidential initiative of $5 billion, which would have gone into repair and renovating and building new schools, providing jobs for people in inner cities.

We had a big fight over the transportation bill which in the inner city communities would provide jobs for people who work for mass transit and for the construction and repair of subways and bus systems, et cetera, as well as provide jobs for people who work on highways. So the job creation part of the budget is given away to tax cuts.

We have large tax cuts to the same categories of people that the gentleman from Vermont [Mr. SANDERS] was talking about earlier. They are already the richest people in America. Our budget is dedicated to giving them more to take capital gains cuts and inheritance cuts. They will get more, while at the other extreme we are cutting down on the transportation budget that would have provided jobs, on the school construction budget that would have provided jobs, and we are cutting programs like Medicare and Medicaid.

So our common sense here has gone out of the window. It is up to the American people, the voters out there, to bring back the leadership, bring the leadership here back to their senses. That budget was negotiated at the White House. I guess we have got to bring the President back to his senses too and have him stand up to that kind of negotiation, not agree to make those kinds of cuts in areas which create jobs, which take care of people, and at the same time you are bolstering the pocketbooks and the bank accounts of the people who need it the least.

We got it all topsy-turvy, and that is why this country is the country that has the greatest gap between the rich and poor. Great Britain, with all its lords and aristocracy and very rich people and very poor people in the slums of London and various great cities, Great Britain used to be the place where you had the greatest gap between the very rich and the very poor. Now it is America, the home of the brave and the land of the free, the place where everybody assumed they had the opportunity to make it, and a lot of the creation of the world's modern economy was built on the backs of consumers, ordinary people, who had the money to go out and buy refrigerators and buy cars and buy homes. All that is being slowly squeezed to death by catering to the very people at the very top. It begins right here at the House of Representatives.

□ 2200

At the same time they are taking the money away from those who need help the most from their government.

Ms. MILLENDER-McDONALD. Indeed as my colleague from Illinois just said, we hear all the time this 4.9 to 5 percent unemployment. They are not talking about our constituents. The unemployment rate in my district is close to 50 percent. Yet there are not any jobs. No jobs are rushing into my district. When this budget came to the floor and they had taken out the $5 billion for school construction that would have provided jobs and create the type of climate where children can learn, that was taken out. It just appears to me that every day we see a group of Members here who do not wish to foster an agenda that will help to move people from this welfare to work as so stated in their budget.

Also, the transportation provision of the budget was underfunded. That then parlays into the lack of our getting roads and highways built whereby we can advance international trade that creates the jobs in our district, that really boosts the economy.

Again, I say to the American people, watch this House. Because this is not a

House that seems to suggest that we are fundamentally trying to move people from welfare to work in a fair and equitable way. I will suggest to those who are listening, call us, either the Members you see on this floor or your own Member, and share your thoughts on the proposal that is being presented, that persons whom we are asking to move from welfare to work should get below minimum wage. You call us and answer to whether that is a fair way and an American way and will be conducive to opportunities for those who are less fortunate. I think not. I will fight until we find the justice in this House that is supposed to be the people's House.

Mr. OWENS. I think it is important to point out that we are not alone, as the gentlewoman said before. The churches are mobilizing to take the facts to the American people and to try to get people to understand the unfairness in this whole attempt to push people out there, make them work for less than the minimum wage, with no benefits. The Washington Post and the New York Times and a number of other newspapers have come out in support of the President's position. I just want to read a couple of paragraphs from the Washington Post editorial that appeared on Monday, May 19.

"Wages of Welfare Reform", it is called.

The President was right to order that welfare recipients put to work under the terms of last year's welfare bill be paid the minimum wage. The objecting governors and other critics are likewise right when they say that his decision will throw the bill even further out of whack than it already was. What the President basically proved that in doing the right thing on the wage was how great a mistake he had made in caving in to election year pressures, some of them of his own making, and signing the bill to begin with. The problem with the welfare part of this legislation as distinct from the gratuitous cuts that it also imposed in other programs for the poor is the mismatch that exists between its commands and the resources it provides to carry them out. The basic command is that welfare recipients work, but that's not something that can be achieved by the snap of a finger or the waving of a wand or it would have happened long ago. A lot of welfare recipients aren't capable of holding down jobs without an enormous amount of support. Nor in many cases are there jobs enough in the private sector to accommodate them even if they could hold those jobs down.

That is just a section from an editorial that appeared in the Washington Post. There was one also similar in Newsday in New York which called for supporting the President as he attempts to enforce the Fair Labor Standards Act in respect to welfare recipients.

I think I said before that one of the churches that has set an example is the Lutheran Church where they say that they will not allow any of their units that employ people to engage welfare workers for less than the minimum wage. There is a statement they issued on May 1, at the Workfare Media Conference of the Lutheran Services in America. I will quote just a few sections from that:

The Lutheran Services in America organizations spend $2.8 billion serving 2 million people and includes over 3,000 locations across the United States. We employ workers at all levels and seek to serve those who are in need.

When Congress passed welfare reform legislation which was signed into law on August 22, 1996, we all knew that we would have to move beyond the rhetoric of personal responsibility to work opportunity and responsibility by the employer. If welfare reform is to happen in this country, then work opportunity that includes at the very least the minimum wage must happen. Rather than pitting personal responsibility and structural change against one another, we realize that both kinds of efforts are needed.

As employers, our umbrella alliance of service organizations has endorsed the fair work campaign so that workers have both sufficiency and sustainability in their lives. We know from our experience that work that is a job must include sufficiency which means adequate levels of income support so that people can live dignified lives. It must also include sustainability. Workers cannot live in fear of taking other people's jobs nor be treated differently than others by wages, benefits or personnel policies. Without sufficiency and sustainability, welfare legislation becomes nothing more than rhetoric.

Lutheran Services in America organizations face the same issues that every nonprofit and corporate employer in America faces. We are working within a budget and providing services for our clientele. We are well aware of what it means to be an employer and because of this we believe that workfare recipients need positive learning and training experiences as well as new jobs and that workfare recipients perform important work that should be valued fairly.

We in Lutheran Services in America challenge other employers to join us to be involved and become responsible in the opportunities we give to workers. It is reform for all of us and it requires all of us to become a part of this if we ever intend to see the face of poverty change.

I think that is a forthright statement by the Lutheran Church and it is a challenge to all other religious organizations and nonprofit organizations and to corporate America. If we want to really move people from a situation of dependency into the mainstream and provide jobs, then let us define a job as being a thing that pays the minimum wage and has all the other benefits that go with being a worker in America.

Ms. MILLENDER-McDONALD. I might add that the Lutheran Church seems to be a very new group that is coming aboard now. It is very healthy that they do this. But I am sure that they see this, as we do, as a really moral issue, an issue that smacks in the face of unfairness. We cannot afford to allow this type of proposal to come to American people who are trying their best to raise their families, to provide shelter for their children, and to provide an education for them. To move from a below-subsistence level to self-sufficiency, we must couch this as the moral issue it really is. For those who are spiritual-minded Members, for those who want to do the right thing, well, then fight with us to defeat this very egregious proposal that does not speak to the fundamental rights of this country.

Mr. OWENS. I am sure that both of my colleagues know well that phrase that they have heard repeated often, that in slavery everybody on the plantation had a job, because a job was then defined as work that the master wanted you to do. You did not get paid for it. For 232 years there was free labor. You did not get paid for it, but people had jobs. They were on the plantation and they had jobs. In order to satisfy those who again move out of racist motivations, when you say people should go to work and you create a situation through a bill you call welfare reform that pushes people off welfare and help from the government into situations where there are no jobs, no effort is being made to create those jobs. No effort is being made to create real jobs. So they want to push people into situations where they will work for something that is not a job. They will work for less than minimum wage. They will work under extraordinarily harsh conditions to do something that other workers were being paid to do before. So we are not only not creating jobs for welfare recipients, we are displacing workers who had jobs before.

As I said at the beginning, this is happening in no more evident way than it is happening in New York City. We have a large workfare program. The workfare program as it expands, we see the city employees, the municipal payroll, decreasing at the same rate as the workfare program is increasing, a definite correlation. You take away the jobs from the people who were being paid to do them before, with fringe benefits, with a retirement plan, all the things that go into a real job, you take that away and you put people to work who have nothing except to work off the cash value of their welfare grant, you get a lot of work done for very little. If you can institutionalize that and get it going full steam, you are back into a condition which is close to slavery because you are forcing people to work in a situation where it has no relevance to really what they need, you are not paying them, they are involuntary servitude. It is that bad. We are not exaggerating when we say that that is where you are going. If you rule out paying people what we call minimum wage and providing the benefits that we call a job, then you are creating something that is not a job. You are creating servitude and forcing people into that pattern of servitude.

Mr. DAVIS of Illinois. When the gentleman mentioned New York, I could not help but smile to myself and think

of how fortunate the people of New York are that they have the gentleman as their advocate, that they have the gentleman working in their behalf. I want to thank the gentleman for organizing this evening and for giving us the opportunity to share it with the gentleman.

The last thing that I would want to say is the gentleman mentioned the whole business of slavery. I remember the words of the great abolitionist Frederick Douglass who suggested that if you would find the level of oppression that a people will accept, that is exactly what they will get. I do not believe that the people are going to accept this level of oppression. I certainly thank the gentleman for the opportunity.

Ms. MILLENDER-McDONALD. May I please add to those thanks, too. Because I thank the gentleman for taking the leadership on such a very important issue as this, early on, before we see this so-called proposal. But it is suspect to me that this is a proposal that is coming when I was told at the first of the year that we should not do anything about this welfare reform bill, to allow it to percolate for 1 year to see whether it really works. And now, before a half year is gone, here is a so-called proposal to revisit the minimum wage with the express consent to try to do something to harm those who are trying to move from welfare to work and to not give them a leg up.

I thank the gentleman. I agree with the gentleman from Illinois that New Yorkers are all the better because they have the gentleman to tout for them, to address their needs and to certainly bring very critical issues like this early on to the forefront. Again, I am ready for the fight.

Mr. OWENS. I thank my colleague from California and my colleague from Illinois for joining me.

Mr. Speaker, in closing, let me just say there is an effort to divide and conquer welfare recipients who are put over here and workers who are put over there. The workers of America must understand this is a threat to all of us. If you did not understand it before, I hope you understand it now, that whatever happens to one group of workers, welfare workers, is going to have an impact on the quality of life and standard of living of all workers. We must fight to protect all workers by stopping this effort to make welfare recipients work in conditions that are not conditions acceptable to other American workers.

□ 2215

COMMUNICATION FROM THE HONORABLE FRANK A. LoBIONDO, MEMBER OF CONGRESS

The SPEAKER pro tempore (Mr. GIBBONS) laid before the House the following communication from the Honorable FRANK A. LoBIONDO, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, June 3, 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 Superior Court of New Jersey, Cape May County.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

FRANK A. LoBIONDO,
Member of Congress.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FARR (at the request of Mr. GEPHARDT), for today, on account of a family emergency.

Mrs. CLAYTON (at the request of Mr. GEPHARDT), for today and Wednesday, June 4, on account of family illness.

Mr. PICKERING (at the request of Mr. ARMEY), for today and the balance of the week, on account of a death in the family.

Mr. BACHUS (at the request of Mr. ARMEY), for today, on account of attending his son's high school graduation.

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. MCHALE) to revise and extend their remarks and include extraneous material:)

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. POMEROY, for 5 minutes, today.

(The following Members (at the request of Mr. HILL) to revise and extend their remarks and include extraneous material:)

Mr. HULSHOF, for 5 minutes each day, on June 4 and 5.

Mr. PAPPAS, for 5 minutes, on June 4.

Mr. SHIMKUS, for 5 minutes, on June 4.

Mr. PITTS, for 5 minutes, on June 4.

Mr. JONES, for 5 minutes each day, on June 4 and 5.

Mr. KINGSTON, for 5 minutes, today.

Mrs. NORTHUP, for 5 minutes, on June 4.

Mr. SMITH of Michigan, 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. MCHALE) and to include extraneous matter:)

Mr. CONYERS.
Mr. HAMILTON.
Mr. SKELTON.
Mr. HASTINGS of Florida.
Mr. PASCRELL.
Mr. DEUTSCH.
Mr. BONIOR.
Mr. KILDEE.
Mr. SERRANO.
Mr. LANTOS.
Mr. MCGOVERN.
Mr. STARK.
Mrs. MEEK of Florida.
Mr. LIPINSKI.
Mr. SANDERS.
Mr. KUCINICH.
Mr. TORRES.
Mr. MANTON.
Mr. SHERMAN.
Ms. RIVERS.
Mr. FARR of California.
Mr. FOGLIETTA.

(The following Members (at the request of Mr. HILL) and to include extraneous matter:)

Mr. SAXTON.
Mr. DELAY.
Mr. PORTMAN.
Mr. EVERETT.
Mr. BONO.
Mr. EHRLICH.
Mr. GOODLING.
Mrs. MORELLA.
Mr. GEKAS.
Mr. SOLOMON.
Mr. CUNNINGHAM.
Mr. SHUSTER.
Mr. DREIER.

(The following Members (at the request of Mr. DAVIS of Illinois) to revise and extend their remarks and include extraneous material:)

Mr. BUNNING.
Mr. PAUL.
Mr. GEPHARDT.
Mr. BROWN of California.
Mr. WAXMAN.
Mr. SHADEGG.
Ms. LOFGREN.
Mr. FELINGHUYSEN.
Ms. WOOLSEY.

ENROLLED BILL SIGNED

Mr. THOMAS, from the Committee on House Oversight, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 5. An act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMAS, from the Committee on House Oversight, reported that that committee did on this day present to the President, for his approval, a bill of the House of the following title:

H.R. 5. an act to amend the Individuals with Disabilities Education Act, to reauthorize and make improvements to that Act, and for other purposes.

ADJOURNMENT

Mr. DAVIS of Illinois. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 16 minutes p.m.), under its previous order, the House adjourned until tomorrow, June 4, 1997, at 12 noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3550. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Gypsy Moth Generally Infested Areas [Docket No. 97-038-1] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3551. A letter from the Acting Administrator, Farm Service Agency, transmitting the Agency's final rule—1997 Marketing Quota and Price Support for Burley Tobacco [Workplan Number 96-055] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3552. A communication from the President of the United States, transmitting a fiscal year 1998 budget amendment to cover a shortfall in the Department of Defense Health Program, pursuant to 31 U.S.C. 1106(b); (H. Doc. No. 105—90); to the Committee on Appropriations and ordered to be printed.

3553. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans, Tennessee; Approval of Revisions to Permit Requirements, Definitions, Exemptions, and Internal Combustion Engines Regulations [TN-160-9624a; FRL-5831-7] received May 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3554. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Plans, Texas; Alternate Reasonably Available Control Technology Demonstration for Bell Helicopter Textron, Incorporated; Bell Plant 1 Facility [TX-73-1-7316a, FRL-5830-7] received May 28, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3555. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Regulations of Fuels and Fuel Additives: Extension of the Reformulated Gasoline Program to the Phoenix, Arizona Moderate Ozone Nonattainment Area [FRL-5834-4] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3556. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Implementation Plans; Indiana [IN67-1a; FRL-5827-5] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3557. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; Approval of VOC and NOx RACT Determinations for Individual Sources [SIPTRAX No. PA-4058a; FRL-5832-3] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3558. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Labeling; Timeframe for Final Rules Authorizing Use of Health Claims [Docket No. 97N-0075] received May 30, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3559. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule—Prevailing Rate Systems; Abolishment of Lubbock, TX, Nonappropriated Fund Wage Area [5 CFR Part 532] (RIN: 3206-AH88) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Government Reform and Oversight.

3560. A letter from the Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries off West Coast States and in the Western Pacific; Pacific Coast Groundfish Fishery; Whiting Allocation Among Nontribal Sectors [Docket No. 970403076-7114-02; I.D. 030397B] (RIN: 0648-AI80) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3561. A letter from the Assistant General Counsel, United States Information Agency, transmitting the Agency's final rule—Exchange Visitor Program [22 CFR Part 514] received May 27, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

3562. A letter from the General Counsel, Department of Tansportation, transmitting the Department's final rule—Revision of Class E Airspace; Athens, TX (Federal Aviation Administration) [Airspace Docket No. 97-ASW-07] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3563. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; The New Piper Aircraft, Inc. Models PA31, PA31-300, PA31-325, PA31-350, and PA31P Airplanes (Federal Aviation Administration) [Docket No. 96-CE-29-AD; Amendment 39-9976; AD 97-07-03] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3564. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A310 and A300-600 Series Airplanes (Federal Aviation Administration) [Docket No. 94-NM-196-AD; Amendment 39-9991; AD 97-08-03] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3565. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 747-100, -200, and -300 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-239-AD; Amendment 39-9993; AD 97-08-05] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3566. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Rolls-Royce plc RB.211 Trent 800 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97-ANE-09; Amendment 39-9970; AD 97-06-13] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3567. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Dornier Model 328-100 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-116-AD; Amendment 39-9949; AD 97-05-05] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3568. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Boeing Model 737 Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-26-AD; Amendment 39-9954; AD 97-05-10] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3569. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-11-AD; Amendment 39-9948; AD 97-05-04] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3570. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Auxiliary Power International Corporation Model APS3200 Auxiliary Power Units (Federal Aviation Administration) [Docket No. 96-ANE-42; Amendment 39-9912; AD 97-03-06] (RIN: 2120-A64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3571. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pacific Scientific Company, HTL/Kin-Tech Division, Fire Extinguisher Bottle Cartridges (Federal Aviation Administration) [Docket 97-NM-27-AD; Amendment 39-9940; AD 97-04-15] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3572. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Schempp-Hirth K.G. Models Standard-Cirrus, Nimbus-2, Nimbus-2B, Mini-Nimbus HS-7, Mini-Nimbus B, Discus a, and Discus b Sailplanes (Federal Aviation Administration) [Docket No. 96-CE-19-AD; Amendment 39-9990; AD 97-08-02] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3573. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Louis L'Hotellier, S.A., Ball and

Swivel Joint Quick Connectors (Federal Aviation Administration) [Docket #92-CE-41-AD; Amendment 39-9994; AD 97-08-06] (RIN:2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3574. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A300 Series Airplanes (Federal Aviation Administration) [Docket 96-NM-43-AD; Amendment 39-10032; AD 97-11-03] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3575. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Hiller Aircraft Corporation Model UH-12, UH-12A, UH-12B, UH-12C, UH-12D, UH-12E, CH-112, H-23A, H-23B, H-23C, H-23D, H-23F, HTE-1, HTE-2, and OH-23G Helicopters (Federal Aviation Administration) [Docket No. 96-SW-06-AD; Amendment 39-10029; AD 97-10-16] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3576. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Airbus Model A320 Series Airplanes (Federal Aviation Administration) [Docket No. 96-NM-106-AD; Amendment 39-10030; AD 97-11-01] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3577. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Sikorsky Aircraft-Manufactured Model S-64F Helicopters (Federal Aviation Administration) [Docket No. 95-SW-34-AD; Amendment 39-10028; AD 97-10-15] (RIN: 2120-AA64) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3578. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Plattsburgh, NY (Federal Aviation Administration) [Airspace Docket No. 95-AEA-13] (RIN: 2120-AA66 (1997-0190)) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3579. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Ponca City, OK (Federal Aviation Administration) [Airspace Docket No. 97-ASW-06] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3580. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; South New Castle, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-001] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3581. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace and Class E4 Airspace; Plattsburgh, NY (Federal Aviation Administration) [Airspace Docket No. 95-AEA-09] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3582. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airport Name Change; JOHNSON County Industrial Airport, Olathe, KS (Federal Aviation Administration) [Airspace Docket No. 97-ACE-3] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3583. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class D and E Airspace; Sacramento, CA (Federal Aviation Administration) [Docket No. 97-AWP-13] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3584. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Modification of Class E Airspace Areas (Federal Aviation Administration) [Airspace Docket No. 97-AGL-11] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3585. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment of Class E Airspace; Montrose, Colorado (Federal Aviation Administration) [Airspace Docket No. 96-ANM-027] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3586. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace, Wahoo, NE (Federal Aviation Administration) [Docket No. 97-ACE-4] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3587. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Frostburg, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-007] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3588. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Marion, VA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-18] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3589. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Jeannette, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-010] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3590. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Uniontown, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-005] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3591. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; Thiel, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-006] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3592. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Amendment to Class E Airspace; Olean, NY (Federal Aviation Administration) [Airspace Docket No. 97-AEA-16] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3593. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Establishment of Class E Airspace; East Butler, PA (Federal Aviation Administration) [Airspace Docket No. 97-AEA-002] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3594. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class D Airspace and Class E5 Airspace; Calverton, NY (Federal Aviation Administration) [Airspace Docket No. 95-AEA-11] (RIN: 2120-AA66) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3595. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Altus, OK (Federal Aviation Administration) [Airspace Docket No. 97-ASW-09] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3596. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revision of Class E Airspace; Carlisle, AR (Federal Aviation Administration) [Airspace Docket No. 97-ASW-03] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3597. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Revocation of Class E Airspace; Alice, TX (Federal Aviation Administration) [Airspace Docket No. 97-ASW-05] received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3598. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Pratt & Whitney PW4164 and PW4168 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 97-ANE-10; Amendment 39-10035; AD 97-11-06] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3599. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; McDonnell Douglas Model DC-9-80 Series Airplanes and Model MD-88 Airplanes (Federal Aviation Administration) [Docket No. 97-NM-61-AD; Amendment 39-9995; AD 97-08-07] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3600. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Bombardier Model CL-215T Series Airplanes (Federal Aviation Administration) [Docket No. 97-NM-33-AD; Amendment

39-10038; AD 97-11-09] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3601. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Jetstream Model 4101 Airplanes (Federal Aviation Administration) [Docket No. 96-NM-85-AD; Amendment 39-10031; AD 97-11-02] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3602. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; AlliedSignal Inc. ALF502 and LF507 Series Turbofan Engines (Federal Aviation Administration) [Docket No. 96-ANE-26; Amendment 39-10034; AD 97-11-05] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3603. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (formerly Government Aircraft Factory) Models N22B, N22S, and N24A Airplanes (Federal Aviation Administration) [Docket No. 96-CE-57-AD; Amendment 39-10040; AD 97-11-11] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3604. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Aerospace Technologies of Australia Pty Ltd. (formerly Government Aircraft Factory) Models N22B, N22S, and N24A Airplanes (Federal Aviation Administration) [Docket No. 95-CE-98-AD; Amendment 39-10041; AD 97-11-12] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3605. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Airworthiness Directives; Fairchild Aircraft SA226 and SA227 Series Airplanes (Federal Aviation Administration) [Docket No. 95-CE-34-AD; Amendment 39-10042; AD 97-11-13] (RIN: 2120-AA64) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3606. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28914; Amdt. No. 1799] (RIN: 2120-AA65) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3607. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Standard Instrument Approach Procedures; Miscellaneous Amendments (Federal Aviation Administration) [Docket No. 28915; Amdt. No. 1800] (RIN: 2120-AA65) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3608. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Last-in, First-out Inventories [Rev. Rul. 97-26] received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

109. The SPEAKER presented a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97-1038 supporting full funding of the federal PILT program as authorized by the passage of S.455 in 1994; to the Committee on Resources.

110. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97-1006 showing that the State of Colorado supports policies that balance the social, economic, and environmental needs of people and communities with the needs of environmental preservation in federal decision-making processes; to the Committee on Resources.

111. Also, a memorial of the General Assembly of the State of Colorado, relative to House Joint Resolution 97-1032 showing that the State of Colorado supports the legislation, which reaffirms the Constitutional Authority of Congress as the elected representatives of the people, and urges the "American Land Sovereignty Protection Act" be introduced and passed by both the House of Representatives and the Senate as soon as possible during the 105th Congressional session; to the Committee on Resources.

112. Also, a memorial of the Legislature of the State of Texas, relative to Senate Concurrent Resolution 32 requesting the President and the Congress of the United States to meet and to confer with the Red River Boundary Commission and the representatives of the State of Oklahoma and to assist in carrying out the purposes of this resolution; to the Committee on the Judiciary.

113. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 94 commending the United States Congress for recognizing the threat to public health and security from the misuse of explosives; to the Committee on the Judiciary.

114. Also, a memorial of the General Assembly of the State of Delaware, relative to House Concurrent Resolution No. 6 memorializing the U.S. Congress to propose and submit to the several states an amendment to the Constitution of the United States providing that no court shall have the power to levy or increase taxes; to the Committee on the Judiciary.

115. Also, a memorial of the Legislature of the State of Texas, relative to House Concurrent Resolution 109 urging the Congress of the United States to request that the Federal Emergency Management Agency update community flood maps every 10 years; to the Committee on Transportation and Infrastructure.

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. STUMP: Committee on Veterans' Affairs. House Joint Resolution 75. Resolution to confer status as an honorary veteran of the U.S. Armed Forces on Leslie Townes (Bob) Hope (Rept. 105-109). Referred to the House Calendar, and ordered to be printed.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 79. A bill to provide for the conveyance of certain land in the Six Rivers National Forest in the State of California for the benefit of the Hoopa Valley Tribe; with an amendment (Rept. 105-110). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 985. A bill to provide for the expansion of the Eagles Nest Wilderness within Arapaho and White River National Forests, CO, to include the lands known as the Slate Creek Addition upon the acquisition of the lands by the United States; with an amendment (Rept. 105-111). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1019. A bill to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest, CO, to correct the effects of earlier erroneous land surveys (Rept. 105-112). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1020. A bill to adjust the boundary of the White River National Forest in the State of Colorado to include all National Forest System lands within Summit County, CO, which are currently part of the Dillon Ranger District of the Arapaho National Forest (Rept. 105-113). Referred to the Committee of the Whole House on the State of the Union.

Mr. YOUNG of Alaska: Committee on Resources. H.R. 1439. A bill to facilitate the sale of certain land in Tahoe National Forest, in the State of California to Placer County, CA; with an amendment (Rept. 105-114). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIAZ-BALART: Committee on Rules. House Resolution 159. Resolution providing for consideration of the bill (H.R. 1757) to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999 and for other purposes, and for consideration of the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with the United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes (Rept. 105-115). 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. METCALF (for himself and Mr. STUMP):

H.R. 1754. A bill to require that a portion of the amounts made available for housing programs for the homeless be used for activities designed to serve primarily homeless veterans, and for other purposes; to the Committee on Banking and Financial Services.

By Mr. OBEY:

H.R. 1755. A bill making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including Bosnia, for the fiscal year ending September 30, 1997, and for other purposes; to the Committee on Appropriations, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for

consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. LEACH, Mr. GONZALEZ, and Mr. BACHUS):

H.R. 1756. A bill to amend chapter 53 of title 31, United States Code, to require the development and implementation by the Secretary of the Treasury of a national money laundering and related financial crimes strategy to combat money laundering and related financial crimes, and for other purposes; to the Committee on Banking and Financial Services, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILMAN (for himself and Mr. SMITH of New Jersey):

H.R. 1757. A bill to consolidate international affairs agencies, to authorize appropriations for the Department of State and related agencies for fiscal years 1998 and 1999, and for other purposes; to the Committee on International Relations.

By Mr. GILMAN (for himself, Mr. ARMEY, Mr. SOLOMON, Mr. GOSS, Mr. WELDON of Pennsylvania, and Mr. COX of California):

H.R. 1758. A bill to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes; to the Committee on International Relations.

By Mr. GILMAN:

H.R. 1759. A bill to reform foreign assistance programs and to authorize appropriations for foreign assistance programs for fiscal years 1998 and 1999, and for other purposes; to the Committee on International Relations.

By Mr. BURTON of Indiana:

H.R. 1760. A bill to amend the Communications Act of 1934 to provide for the implementation of systems for rating the specific content of specific television programs; to the Committee on Commerce.

By Mr. DAVIS of Florida:

H.R. 1761. A bill to provide for improved coordination, communication, and enforcement related to health care fraud, waste, and abuse, to create a point of order against legislation which diverts savings achieved through Medicare waste, fraud, and abuse enforcement activities for purposes other than improving the solvency of the Federal Hospital Insurance Trust Fund under title XVIII of the Social Security Act, to ensure the integrity of such trust fund, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENSIGN:

H.R. 1762. A bill to amend title XVIII of the Social Security Act to provide for coverage of outpatient parenteral antimicrobial therapy under part B of the Medicare Program; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GILCHREST (for himself, Mr. FARR of California, Mrs. MORELLA, Mr. CASTLE, Mr. TOWNS, Mr. BOEHLERT, Mr. FAZIO of California, Mr. EHLERS, Mr. GORDON, Ms. WOOLSEY, Mr. MARTINEZ, Mr. TAYLOR of Mississippi, and Mr. ROMERO-BARCELO):

H.R. 1763. A bill to amend the Internal Revenue Code of 1986 to provide an election to exclude from the gross estate of a decedent the value of certain land subject to a qualified conservation easement, and to make technical changes to alternative valuation rules; to the Committee on Ways and Means.

By Mr. HILL (for himself, Mrs. CHENOWETH, and Mr. HUTCHINSON):

H.R. 1764. A bill to amend title XIX of the Social Security Act to restrict imposition of Medicaid liens and Medicaid estate recovery for long-term care services in the case of certain individuals who have received benefits under long-term care insurance policies for at least 3 years, and to amend the Internal Revenue Code of 1986 to allow the carryover of reimbursement maximums for flexible spending arrangements, to allow the reimbursement of long-term care insurance premiums of FSA's, and to repeal the inclusion in income of long-term care coverage provided through FSA's; to the Committee on Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MINGE (for himself, Mr. SHAYS, Mr. BARRETT of Wisconsin, Mr. MCHALE, Mr. POMEROY, Mr. KLUG, Mr. DEAL of Georgia, Mr. DICKEY, Mr. COLLINS, and Mr. LOBIONDO):

H.R. 1765. A bill to amend title 5, United States Code, to provide that, for purposes relating to retirement, Members of Congress and congressional employees shall be treated in the same manner as are employees in the executive branch generally; to the Committee on House Oversight, and in addition to the Committee on 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. MORAN of Virginia (for himself, Mrs. CLAYTON, Mr. FILNER, Mr. HALL of Ohio, Mr. HINCHEY, Mr. MANTON, Mr. METCALF, Mrs. MINK of Hawaii, Mrs. MORELLA, Mr. OLVER, Mr. ENGLISH of Pennsylvania, and Mr. WELDON of Florida)

H.R. 1766. A bill to amend title 10, United States Code, to establish a demonstration project to evaluate the feasibility of using the Federal employees health benefits program to ensure the availability of adequate health care for Medicare-eligible beneficiaries under the military health care system; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisidication of the committee concerned.

By Mr. PETERSON of Minnesota:

H.R. 1767. A bill to consolidate in the Administrator of General Services authorities relating to the control and utilization of excess and surplus property, and for other purposes; to the Committee on Government Reform and Oversight, and in addition to the Committee on National Security, Small Business, Science, and International Relations, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. LINDA SMITH of Washington (for herself, Mr. KLUG, Mr. SHAYS, Mr. COBLE, Mr. ENSIGN, Mr. SANFORD, MR. FRANK of Massachusetts, and Mr. BACHUS):

H.R. 1768. A bill to terminate certain entitlements of former Speakers of the House of Representatives; to the Committee on House Oversight.

By Mr. STARK:

H.R. 1769. A bill to provide for the imposition of administrative fees for Medicare overpayment collection, and to require automated prepayment screening of Medicare claims, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STARK (for himself, Mr. MCDERMOTT, and Mr. WEYGAND):

H.R. 1770. A bill to prevent fraud, abuse, and waste in the Medicare and Medicaid Programs, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Commerce, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. WAXMAN (for himself, Mr. HANSEN, and Mr. MEEHAN):

H.R. 1771. A bill to amend the Public Health Service Act to protect the public from health hazards caused by exposure to environmental tobacco smoke, and for other purposes; to the Committee on Commerce, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

H.R. 1772. A bill to provide for the reduction in the number of children who use tobacco products, and for other purposes; to the Committee on Commerce.

By Mrs. THURMAN:

H.R. 1773. A bill to amend title 10, United States Code, to expand the National Mail Order Pharmacy Program of the Department of Defense to include covered beneficiaries under the military health care system who are also entitled to Medicare; to the Committee on National Security.

By Mr. WEYGAND:

H.R. 1774. A bill to amend the Internal Revenue Code of 1986 to provide for a deduction for qualified higher education expenses; to the Committee on Ways and Means.

By Mr. SOLOMON (for himself, Mr. GEPHARDT, Mr. COX of California, Mr. BONIOR, Mr. PAXON, Ms. PELOSI, Mr. SMITH of New Jersey, Mr. MARKEY, Mr. BUNNING of Kentucky, Ms. KAPTUR, Mr. WOLF, Mr. HUNTER, Mr. ROHRABACHER, Mr. SCARBOROUGH, and Mr. TRAFICANT):

H.J. Res. 79. Joint resolution disapproving the extension of nondiscriminatory treatment, (most-favored-nation treatment), to the products of the People's Republic of China; to the Committee on Ways and Means.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 15: Mr. FILNER and Mr. GILMAN.
H.R. 38: Mr. BILBRAY and Mr. CLEMENT.
H.R. 43: Mr. BILBRAY.
H.R. 44: Mr. BILBRAY and Mr. STRICKLAND.
H.R. 51: Mr. PICKERING, Mr. ROHRABACHER, Mr. BERRY, Mr. POSHARD, and Mr. TAYLOR of Mississippi.
H.R. 58: Mr. WEYGAND, Mr. ROTHMAN, and Mrs. CHENOWETH.
H.R. 65: Mr. SPENCE, Mr. BILBRAY, Mr. CLEMENT, and Mr. SKEEN.
H.R. 66: Mr. HILLIARD, Mr. WISE, and Mr. RIGGS.
H.R. 96: Mr. MANTON and Mr. THOMAS.
H.R. 135: Mr. BAKER.
H.R. 192: Mr. CHAMBLISS, Mr. MEEHAN, Mr. FOX of Pennsylvania, Ms. CHRISTIAN-GREEN, and Mrs. FOWLER.
H.R. 195: Mr. FAZIO of California.
H.R. 216: Mr. STRICKLAND and Mr. NEAL of Massachusetts.
H.R. 230: Ms. CHRISTIAN-GREEN.
H.R. 303: Mr. BILBRAY, Mr. CLEMENT, Mr. SANDLIN, and Mr. SKEEN.
H.R. 304: Ms. CHRISTIAN-GREEN.
H.R. 306: Mr. LEVIN and Mr. KLECZKA.
H.R. 322: Mr. GREENWOOD.
H.R. 335: Mr. MCHALE.
H.R. 339: Mrs. MYRICK.
H.R. 367: Mr. HOLDEN.
H.R. 399: Mr. RIGGS.
H.R. 404: Ms. WOOLSEY, Mr. MANTON, Mr. DAVIS of Illinois, Mr. VISCLOSKY, and Mr. BILBRAY.
H.R. 407: Mr. SHADEGG and Mr. CALVERT.
H.R. 411: Mr. MALONEY of Connecticut, Mr. ROTHMAN, and Mrs. ROUKEMA.
H.R. 414: Mr. CHAMBLISS, Mr. MEEHAN, Mrs. CHENOWETH, and Mr. FOX of Pennsylvania.
H.R. 457: Mrs. MYRICK.
H.R. 519: Mr. RUSH.
H.R. 556: Ms. DEGETTE.
H.R. 598: Mr. DAVIS of Virginia.
H.R. 616: Mr. MANTON, Mr. HINCHEY, Ms. DANNER, Mr. BOUCHER, Mr. CAPPS, Mr. FOGLIETTA, and Mr. FRANKS of New Jersey.
H.R. 622: Mr. CALVERT.
H.R. 630: Mr. CAPPS, Mr. DIXON, Mr. POMBO, and Ms. LOFGREN.
H.R. 633: Mr. BRYANT.
H.R. 634: Mr. PAXON, Mr. MCINTOSH, Mr. HAYWORTH, Mrs. MYRICK, and Mr. PORTER.
H.R. 681: Mr. DOOLITTLE, Mr. MATSUI, Ms. PELOSI, Mr. BONO, Mr. FARR of California, Mr. ROHRABACHER, Mr. BROWN of California, Mr. FILNER, Ms. ROYBAL-ALLARD, Mr. HORN, and Mr. STARK.
H.R. 715: Mr. WAMP and Mr. GORDON.
H.R. 716: Mr. HASTINGS of Washington.
H.R. 761: Mr. DELLUMS.
H.R. 789: Mr. GUTKNECHT.
H.R. 795: Ms. WATERS, Mr. KUCINICH, Mr. QUINN, and Mr. DELAHUNT.
H.R. 805: Mr. WATTS of Oklahoma and Mr. PETERSON of Pennsylvania.
H.R. 813: Mr. LUCAS of Oklahoma.
H.R. 847: Mr. FROST, Ms. NORTON, Mr. MCDERMOTT, Mr. DAVIS of Illinois, Ms. RIVERS, Mr. ACKERMAN, and Ms. KILPATRICK.
H.R. 869: Mrs. MALONEY of New York, Mr. CUNNINGHAM, Mr. ENGLISH of Pennsylvania, and Ms. MOLINARI.
H.R. 872: Mr. CALVERT, Mr. COOK, Mr. DREIER, Mr. FAZIO of California, Mr. HOEKSTRA, Mr. OBERSTAR, Mr. PICKETT, Mr. ROYCE, Mr. SOLOMON, and Mr. THORNBERRY.
H.R. 875: Mr. MCCOLLUM, Mr. GEJDENSON, Mr. BLAGOJEVICH, Mr. TURNER, and Mr. CANNON.
H.R. 893: Mr. SABO, Mrs. KENNELLY of Connecticut, Mr. ENGEL, Mr. RAHALL, and Mr. FOGLIETTA.
H.R. 894: Mr. ENGEL.
H.R. 950: Mr. YATES.
H.R. 955: Mr. HYDE, Mr. SCARBOROUGH, Mr. HAYWORTH, Mr. DELAY, Mr. MICA, and Mr. SESSIONS.
H.R. 977: Mr. BLILEY.
H.R. 979: Ms. DEGETTE, Mr. PICKERING, Mr. DAVIS of Virginia, and Mr. BLUMENAUER.
H.R. 988: Ms. SLAUGHTER.
H.R. 991: Mr. CUMMINGS.
H.R. 1023: Mr. LAZIO of New York, Mr. BACHUS, Mr. DEAL of Georgia, Ms. WATERS, Mr. DOYLE, Ms. VELÁZQUEZ, Mr. TURNER, and Mr. MCCRERY.
H.R. 1038: Mr. MCDERMOTT.
H.R. 1047: Ms. JACKSON-LEE and Mr. WAXMAN.
H.R. 1059: Mr. LAHOOD, Mr. MCINNIS, and Mr. LATOURETTE.
H.R. 1061: Mr. ABERCROMBIE and Mr. FILNER.
H.R. 1062: Mr. CHABOT, Mr. CUNNINGHANM, and Mr. SPENCE.
H.R. 1063: Mr. NEUMANN, Mr. ETHERIDGE, Mr. MCINTYRE, Mr. MORAN of Virginia, Ms. MCCARTHY of Missouri, Mr. FOLEY, and Mr. RAHALL.
H.R. 1108: Mr. CANADY of Florida, and Mrs. NORTHUP.
H.R. 1126: Ms. ESHOO and Mr. PAYNE.
H.R. 1134: Mr. UNDERWOOD, Mr. CAPPS, Mr. WEYGAND, Mr. RUSH, Ms. KILPATRICK, Mr. SABO, Mr. DEFAZIO, Mr. PARKER, Mr. MCGOVERN, and Mr. MCDERMOTT.
H.R. 1161: Mr. TIAHRT.
H.R. 1165: Mr. LATOURETTE and Mr. STARK.
H.R. 1168: Mr. BUNNING of Kentucky, Ms. KAPTUR, Mr. BUYER, Mr. CANADY of Florida, Mr. GOODLATTE, Mr. PRICE of North Carolina, Mr. GOODLING, Mr. UPTON, Mr. BACHUS, and Mr. DUNCAN.
H.R. 1205: Mr. WELLER.
H.R. 1215: Mr. KILDEE.
H.R. 1218: Mr. FILNER, Ms. JACKSON-LEE, Mr. OBERSTAR, Mr. OLVER, and Mr. FROST.
H.R. 1263: Mr. MARTINEZ.
H.R. 1279: Mr. GOODE, Mr. CANADY of Florida, and Mrs. MYRICK.
H.R. 1285: Mr. LUCAS of Oklahoma.
H.R. 1288: Mr. RUSH, Mr. JACKSON, and Mr. STRICKLAND.
H.R. 1300: Mr. WATTS of Oklahoma.
H.R. 1320: Mr. LIPINSKI and Mr. DELLUMS.
H.R. 1350: Mr. WELLER, Mr. MICA, and Mr. RAMSTAD.
H.R. 1353: Mrs. ROUKEMA.
H.R. 1371: Mr. PICKERING.
H.R. 1375: Mr. LATOURETTE, Ms. WOOLSEY, Mr. BROWN of California, and Mr. ALLEN.
H.R. 1383: Mr. CARDIN, Ms. JACKSON-LEE, Mr. ROTHMAN, and Mr. TORRES.
H.R. 1398: Mr. WELDON of Florida, Mr. HUTCHINSON, and Mr. MANTON.
H.R. 1425: Mr. PORTER and Mr. FORD.
H.R. 1427: Mr. MCCOLLUM.
H.R. 1450: Mr. RUSH and Ms. CARSON.
H.R. 1464: Mr. ABERCROMBIE.
H.R. 1480: Mr. ACKERMAN, Mr. DELLUMS, and Ms. NORTON.
H.R. 1481: Mr. BONIOR and Mr. WALSH.
H.R. 1493: Mr. SHERMAN.
H.R. 1496: Mr. BAKER.
H.R. 1500: Mr. ALLEN.
H.R. 1507: Mr. FOX of Pennsylvania, Mr. SABO, Mr. TRAFICANT, Mr. PRICE of North Carolina, Mr. TOWNS, Mr. RUSH, Ms. CARSON, Mr. FALEOMAVAEGA, and Mr. FOGLIETTA.
H.R. 1526: Mr. NEUMANN, Mr. MCINTOSH, Mr. CALVERT, Mr. MANZULLO, and Mr. DELAY.
H.R. 1531: Mrs. MEEK of Florida, Mr. HASTINGS of Florida, Mr. SAXTON, Mr. FROST, and Mr. FILNER.
H.R. 1532: Mr. DIAZ-BALART, Mr. BATEMAN, Mr. SANDLIN, Ms. SLAUGHTER, Mr. FARR of California, Mr. HERGER, Mr. CHRISTENSEN, Mr. DELAHUNT, Mr. HINCHEY, Mr. HULSHOF, Mr. KLINK, Mr. GOSS, Mr. DINGELL, Mr. FILNER, Mr. DAVIS of Virginia, Mr. ANDREWS, Mr. HAMILTON, Mr. WELDON of Florida, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. THURMAN, Mr. GIBBONS, Mr. HALL of Texas, Ms. DUNN of Washington, Ms. SANCHEZ, Ms. CHRISTIAN-GREEN, Mr. LOBIONDO, Mr. BENTSEN, Mr. GEJDENSON, Mr. TRAFICANT, Mr. HOBSON, Mr. HALL of Ohio, Mr. FALEOMAVAEGA, Mr. ARCHER, Mr. KIND of Wisconsin, Mr. JOHN, and Mrs. MORELLA.
H.R. 1570: Mr. BERMAN, Mr. MARKEY, Mr. KENNEDY of Massachusetts, Mr. NADLER, and Ms. NORTON.
H.R. 1609: Mr. MCNULTY, Mr. EVANS, Mr. LAFALCE, Mr. OLVER, and Mr. ACKERMAN.
H.R. 1612: Mr. RADANOVICH.
H.R. 1670: Mr. FRANK of Massachusetts and Ms. JACKSON-LEE.
H.R. 1673: Mr. LOBIONDO and Mr. FRANKS of New Jersey.
H.R. 1679: Mr. SKAGGS and Ms. LOFGREN.
H.R. 1683: Mr. PETERSON of Minnesota.
H.R. 1684: Mr. CHAMBLISS.
H.R. 1689: Ms. PELOSI and Mr. BURR of North Carolina.
H.R. 1712: Mr. BARRETT of Nebraska and Mr. SALMON.
H.R. 1716: Mr. MALONEY of Connecticut, Mr. LUTHER, and Mr. HYDE.
H.R. 1729: Mr. CARDIN and Mr. FATTAH.
H.R. 1741: Mr. WATTS of Oklahoma, Mr. CUMMINGHAM, and Mr. OBERSTAR.
H.J. Res. 54: Mr. FAWELL.
H.J. Res. 75: Ms. JACKSON-LEE.
H.J. Res. 76: Mr. DOYLE, Mr. HORN, and Mr. RUSH.
H. Con. Res. 6: Mr. VISCLOSKY.
H. Con. Res. 10: Ms KAPTUR, Mr. KNOLLENBERG, and Mr. UPTON.
H. Con. Res. 13: Ms. MCKINNEY, Mr. DELAHUNT, Mr. MARKEY, Mr. DEAL of Georgia. Mr. BENTSEN, Mr. BLILEY, and Mr. HULSHOF.
H. Con. Res. 52: Mr. SOLOMON and Mr. CUMMINGS.
H. Con. Res. 55: Mr. DEFAZIO, Mr. ENGEL, and Ms. VELÁZQUEZ.
H. Con. Res. 65: Mr. HOLDEN, Mr. DUNCAN, Mr. FAZIO of California, Mr. SKEEN, Mr. BOEHLERT, Mrs. MALONEY of New York, Mr. CHAMBLISS, Mr. ACKERMAN, Mr. KLINK, Mr. FOX of Pennsylvania, Mr. SESSIONS, Mr. PAXON, Mr. WICKER, and Mr. ROHRABACHER.
H. Con. Res. 75: Ms. LOFGREN.
H. Con. Res. 80: Mr. QUINN, Mr. DUNCAN, Mr. NEY, Mrs. MYRICK, Mr. KLECZKA, Mr. SPRATT, Mr. BARRETT of Wisconsin, Mr. VISCLOSKY, Mr. BERRY, Ms. DEGETTE, Mr. LEVIN, Ms. RIVERS, Ms. SLAUGHTER, Mr. POSHARD, and Mr. FORBES.
H. Con. Res. 91: Mr. BONIOR and Mr. RUSH.
H. Res. 83: Mr. GOSS, Mr. BILBRAY, Ms. LOFGREN, Mr. GONZALEZ, and Mr. FRANK of Massachusetts.
H. Res. 139: Mr. DEAL of Georgia, Mr. FORBES, Mr. BAKER, Mr. BOEHNER, and Ms. DUNN of Washington.
H. Res. 151: Mr. LAFALCE, Mr. PALLONE, Mr. WATTS of Oklahoma, Mr. SMITH of New Jersey, and Mr. STARK.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 1438: Ms. CHRISTIAN-GREEN.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 1. At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. CONGRESSIONAL STATEMENT REGARDING PRIME MINISTER GUJRAL OF INDIA.

"(a) FINDINGS.—The Congress makes the following findings:

"(1) Prime Minister Gujral of India has recently received a vote of confidence from the Indian parliament.

"(2) Prime Minister Gujral is committed to strengthening ties between the United States and India through the continuation of free market reforms and initiatives.

"(3) The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 that have opened India to foreign investment and trade.

"(4) Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two countries.

"(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Clinton Administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the South Asia region."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 2: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING THE CONFLICT IN NAGORNO-KARABAGH.

"(a) SENSE OF CONGRESS.—It is the sense of Congress that—

"(1) the United States, in its capacity as a co-chair of the OSCE'S Minsk Group, reaffirms its neutrality in the Nagorno-Karabagh conflict and commits itself to a negotiated settlement; and

"(2) the United States strongly supports the May 12, 1994, cease-fire agreement signed by Azerbaijan, Armenia and Nagorno-Karabagh, and condemns all violations of the cease-fire by the conflicting parties.

"(b) CONGRESSIONAL STATEMENT.—The Congress urges the President and the Secretary of State to encourage direct talks between the parties to the conflict in Nagorno Karabagh."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 3: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING DEVELOPMENT OF AZERBAIJAN'S CASPIAN SEA PETROLEUM RESERVES.

"It is the sense of the Congress that—

"(1) the President should seek cooperation from the governments of Armenia, Azerbaijan, and Turkey, as well as private companies with an interest in developing Azerbaijan's Caspian Sea petroleum reserves, to encourage the construction of a pipeline route from Azerbaijan through Armenia that could reach Turkey and Mediterranean sea ports; and

"(2) such a route for a pipeline should in no way prejudice other trans-Caucasus pipeline routes, but would help to promote stability and economic growth in the Caucasus region, improving relations between neighboring countries and the United States."

H.R. 1757

OFFERED BY: MR. PALLONE

AMENDMENT NO. 4: At the end of title XVII (relating to foreign policy provisions) insert the following new section:

"SEC. 1717. SENSE OF CONGRESS REGARDING THE SOVEREIGNTY OF BELARUS.

"It is the sense of the Congress that the President should strongly urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords and the constitution of the Republic of Belarus and guarantee freedom of the press, allow for the flowering of the Belarusan language and culture, and enforce the separation of powers."

EXTENSIONS OF REMARKS

ADVENTURE THEATER CELEBRATES 45TH ANNIVERSARY

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mrs. MORELLA. Mr. Speaker, I want to recognize an impressive achievement of by a volunteer arts organization in my district. This year marks the 45th anniversary of the nationally recognized children's theater company, Adventure Theater. Located in the national park in Glen Echo, MD, this company of actors, directors, artists, and teachers have been providing wholesome and innovative entertainment for 45 years to the children of the Metropolitan Washington area.

Within view of the C&O Canal in Montgomery Country, MD, the historic national park at Glen Echo has been the home of artists, dancers, puppeteers, and actors since its evolution from the days as a popular amusement park built at the Maryland terminus of Washington's trolley line.

Adventure Theater is the Washington, DC, area's oldest children's theater. Since they premiered in 1952, the volunteer group has been dedicated to producing quality children's theater. Through weekend and weekday performances, drama classes, an award-winning touring company, Girl and Boy Scout workshops, seasonal events, volunteer opportunities, and open auditions, Adventure Theater has involved the community in the world of theater.

Adventure Theater was created by a group of women volunteers who recognized the need for live stage productions for children. Although today many children now have the advantage of exposure to theater and performances in schools and auditoriums, little was available for young audiences in the early 1950's.

Working with determination, a few pioneers from Montgomery County built a company from humble beginnings. The first season was performed on a borrowed stage with scenery painted in one actor's basement and with costumes sewn by another actor.

Audiences soon grew and Adventure Theater began to perform on stages, in schools, and community centers throughout the Greater Washington area. Drama classes were added and a touring company, the In-School Players, was formed to bring original productions in the Washington area school systems.

In 1971, they found a permanent home at Glen Echo Park, and they have continued to perform in their theater in the old Penny Arcade Building in cooperation with the National Park Service. The company's repertoire explores different theatrical genres, from puppetry to storytelling to full-scale musicals. There is something for everyone, and for all ages. Offerings for very young theater-goers are especially well received—for children ages 4 and up.

Adventure Theater supplies interpretive services for the visually and hearing impaired persons. They also have established several outreach programs to provide live theater for people who might not be able to attend because of transportation or other difficulties. The company offers scholarships to deserving children wishing to attend theater classes; and tickets are donated to school auctions, shelters, and community benefits. In addition, Adventure Theater will lend costumes, props, and set pieces of local schools, theater groups, and community organizations.

As Adventure Theater enters its 46th season, the residents of Montgomery County are proud of their history as a part of the Washington cultural scene. Parents who attended their shows as children now eagerly bring their own children, and grandchildren to Adventure Theatre—hoping to instill the same enjoyment of the art in their own families. The long relationship with the community by Adventure Theater is a testament to the support for the arts by the people of Montgomery County.

CHERYL COOK-KALLIO: FREMONT TEACHER BECOMES STUDENT AGAIN

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. STARK. Mr. Speaker, I rise today to recognize Cheryl Cook-Kallio, teacher of social studies at Hopkins Junior High School in Fremont, CA. A public educator for over 17 years, Ms. Cook-Kallio has been awarded a James Madison Fellowship by the James Madison Memorial Fellowship Foundation of Washington, DC.

Ms. Cook-Kallio is one of 61 recipients of this highly distinguished fellowship to support the continued study of American history and the Constitution by teachers of American history, American Government, and social studies. She will be awarded up to $24,000 to be used toward her master's degree.

Next summer Ms. Cook-Kallio, along with the other fellowship recipients, will attend a 6-week course at Georgetown University to study the Constitution in the National Archives. Her lifelong dream has been to intensively study the Constitution, and through this fellowship, that dream will be recognized.

Ms. Cook-Kallio is an annual visitor to Washington, as she accompanies her eighth grade American Government class on their end-of-the-year trip to our Nation's capital each year. Ms. Cook-Kallio is a graduate of Hopkins Junior High School herself, who went on to study at the University of North Carolina-Charlotte, and received her teaching certificate at San Jose State University. She began her career in education at Hopkins in 1979, where she has been teaching ever since.

Competition for this fellowship is fierce, drawing applicants from all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the Nation's islands and trust territories. Ms. Cook-Kallio deserves much praise for her accomplishment, as the award is intended to recognize the most distinguished of teachers.

It is important for us to understand that learning is a lifelong process, that knowledge and exploration are the roots of creativity. We congratulate Cheryl Cook-Kallio and wish her the best of luck on furthering her education and on continuing to share her knowledge of the workings of our government with the students of Hopkins Junior High.

TRIBUTE TO THE MOST REV. FRANCISCO GARMENDIA, D.D.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SERRANO. Mr. Speaker, I rise to pay tribute to Bishop Francisco Garmendia, who will be honored on June 7 for his 50 years of service to the Catholic Church and for the spiritual leadership he continues to provide the Hispanic community in my congressional district, the South Bronx.

As the first Hispanic bishop in the Archdiocese of New York, Bishop Garmendia is truly an example of excellence in leadership. But ask any one of his parishioners and he will certainly tell you that our own "good shepherd" not only leads his flock but sacrifices and cares for it as well.

Born in Lazcano, Spain, Bishop Garmendia was truly raised in the faith. After attending a private school run by the Benedictine Fathers there, Bishop Garmendia entered the seminary in 1935 and, in 1947, was ordained a priest. Almost as soon as he finished saying his first mass his journey of service began, one that would take him across the globe to touch the lives of many. After studying in England he was transferred to Salta, Argentina, where he taught English and chemistry in the Colegio Belgrano of Salta. When not teaching, Bishop Garmendia would give up his weekends to minister to the native community.

Bishop Garmendia's understanding of people and his experience with diversity cleared the way for his mission in New York. Since his transfer in 1964, Bishop Garmendia has earned not only the trust and respect of the Church—he was consecrated bishop by Cardinal Cooke in 1977—but also the love and support of the Hispanic community. Over the years, Bishop Garmendia has worked tirelessly to spread God's Word not just from the pulpit but on radio and television as well.

We also recognize Bishop Garmendia for his tremendous social work and his struggles to provide services for those in need. Among his many accomplishments, Bishop Garmendia instituted the Spanish Orientation Center and sponsored the establishment of The Resource Center for Community Development, Inc., better known as The Hope Line, a free service which provides thousands of immigrants with legal, material, and spiritual assistance. Although he has been threatened by drug dealers and even physically attacked, Bishop Garmendia has not wavered in his commitment to serve his God and his community.

Mr. Speaker, I ask my colleagues to join me in recognizing Bishop Francisco Garmendia for his selfless devotion to the Church and the Hispanic community of New York. In a time when service often goes unappreciated, we should recognize great servants like Bishop Garmendia and encourage them to continue in their courageous efforts.

THE CHALLENGE IN THE CONGO

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention my monthly newsletter on foreign affairs from May 1997 entitled The Challenge in the Congo.

I ask that this newsletter be printed in the CONGRESSIONAL RECORD.

The newsletter follows:

THE CHALLENGE IN CONGO

This is an important and dangerous time for Congo and all of central Africa. The victory by rebel forces creates both an opportunity and risk. With Africa's third largest population (46 million) and vast mineral wealth, Congo (formerly Zaire) could become an economic powerhouse for all of central Africa. Its natural bounty, however, was ravaged by the corrupt rule of President Mobutu. For years Congo has been virtually without a government. If its new leaders turn out to be little better, Congo could descend into violent conflict and even fragment. Given the stakes, U.S. policy should make an intensive effort to steer it toward stability, free markets, and democracy.

Roots of revolution. The successful revolution against Mobutu has its roots in the remote eastern Zaire. Rebel leader Laurent Kabila, though not a Tutsi himself, led the alliance there against Mobutu and Hutu militants from Rwanda, both of whom were oppressing Tutsis. Surprising everyone, Kabila's forces swept across Zaire in seven months, and toppled Mobutu on May 17. But Kabila did not capture the country alone. Rwanda, Uganda, and Angola gave him significant help to avenge Mobutu's meddling in their own politics.

Kabila untested. Many questions remain about President Kabila and his government. His forces are suspected of killing thousands of refugees. He has espoused Marxism in the past, yet we know little about his present intentions. In his rhetoric he supports markets and democracy, but it will be some time before we can see whether he has fulfilled his promises. He has disbanded parliament, dismantled the constitution, and banned political activity outside his movement, which he has declared the national authority.

The challenge before Kabila is formidable. Mobutu virtually destroyed the country and its society. Kabila's task is to remake both. The population must be prepared for democracy, and the country's economy rebuilt. Kabila must keep the disparate elements of his alliance together, reach out to include all elements of the population, and promote autonomy to prevent Congo from fragmenting.

U.S. interests in Congo. Though we do not have security interests in Congo, the U.S. has a significant stake there. First, Zaire has large deposits of diamonds, gold, cobalt, and copper, and U.S. firms stand to gain from investment in a stable Congo. Second, a successful transformation in Congo could spark growth and better the lives of people throughout central Africa. Third, if Congo were to collapse, the suffering would be great. The U.S. could become involved in costly humanitarian relief or even military intervention. We should not ignore Congo, as we have in the recent past, lest the country cascade into chaos.

Our policy toward Congo should be part of an overall post-Cold War approach to Africa, working toward civilian, democratically-elected governments, and market reforms. It is in U.S. interests to see a secure Congo at peace with itself and its neighbors, moving toward democracy and meeting the basic needs of its people. We want a stable government based on fiscal discipline, an open economy without corruption, and respect for human rights.

Next steps for U.S. We have leverage with the Kabila government, and we should use it to further these interests. First, as a show of goodwill, we should extend a helping hand. We should come forward with some modest transitional aid, and offer a larger package if Congo meets conditions related to economic reform and good governance.

Second, we should continue to press Kabila to form a broad-based, inclusive, and honest transitional government. Representatives of anti-Mobutu opposition groups, church and civic groups should be invited to serve. The U.S. should also stress transparency and accountability in government: after the Mobutu years, people will want to know where funds are going. Security concerns are paramount for Kabila right now, but it is also important that he honor his pledge to hold elections within two years.

Third, the U.S. should help the UN and relief organizations gain access to refugees in Congo, many of whom are in dire need of humanitarian assistance. The U.S. must oppose any attempts to persecute refugees and should continue to press Kabila to grant access to the UN to conduct an objective accounting of reported killings of refugees during the war.

Fourth, the U.S. should urge Congo's neighbors who intervened in the war to help Congo now find the right path. Rwanda, Uganda, and Angola have significant weight with the new regime. These nations should not pursue only their narrow security interests, but should encourage Kabila to pursue reconciliation and an inclusive government.

Finally, the U.S. should encourage the World Bank and the IMF to move into Congo as soon as the Kabila government meets conditions to gain access to their funds. They have far greater resources and expertise than the U.S. or any other single donor. There must be no room for squabbling in the international community, and actions must be coordinated. The new regime is short on economic expertise, and will need outside help in setting sound economic policies. Rebuilding Congo's infrastructure and demobilizing troops are important tasks the new government faces.

Conclusion. One must admire the people of Congo. They have endured great hardship and shown resilience and courage. Now Congo is poised to move from the Mobutu years to a better future for its citizens, and the U.S. has significant interests in this transformation. For the United States, the question is whether we have the will, interest, and patience to pursue and sustain our policy. There are difficult demands ahead, and the U.S. should help Congo become a success in the heart of Africa.

THE LEGACY OF THE MARSHALL PLAN: PRESIDENT BILL CLINTON'S ADDRESS AT THE 50TH ANNIVERSARY OF THE MARSHALL PLAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LANTOS. Mr. Speaker, this past week the United States and the countries of Western Europe marked the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall Plan are first publicly discussed.

That important anniversary was commemorated last week at a special celebration in the Hall of Knights in the Binnenhof in The Hague, the capitol of The Netherlands. Attending the festive occasion were the heads of state and government of the countries of the European Union and other distinguished European leaders.

Mr. Speaker, just a few days ago, this House considered and adopted a resolution which I introduced with the cosponsorship of a number of my colleagues, House Concurrent Resolution 63, recommitting the United States to the principles of the Marshall Plan. Mr. Speaker, that resolution recognizes the wisdom and insight of Secretary Marshall's address and of the policy that resulted from it, and it recommits the United States to the wise policy first enunciated 50 years ago. I appreciate the wisdom of the House in rededicating our Nation to those principles.

Mr. Speaker, representing the United States for this commemoration was our President, Bill Clinton. His remarks at the celebration represent the best of American statesmanship—recognizing the importance of our country's contribution to European recovery 50 years ago, the importance of European unification initiated under the Marshall Plan and continuing today through the European Union, and the importance for democracy of the enduring links that were forged between the United States and the countries of Western Europe by our joint struggle in World War II, through the cooperation of the Marshall Plan, and our long struggle in the Cold War.

Mr. Speaker, I ask that President Clinton's remarks be placed in the RECORD, and I urge my colleagues to give them thoughtful attention. The Marshall Plan was truly one of the great milestones of American diplomacy, and

the President's remarks in Holland place that great act of statesmanship in a fitting context.

REMARKS BY THE PRESIDENT AT COMMEMORATIVE EVENT FOR THE 50TH ANNIVERSARY OF THE MARSHALL PLAN

President CLINTON. Thank you very much, Mr. Sedee, for sharing your wonderful story. I forgive you for stealing the matchbook from the White House. (Laughter.) In fact, just before we came in, I confess that I had heard did such a thing, so without theft, I brought him some cufflinks and some Oval Office candy for his grandchildren today. (Laughter.)

Your Majesty, Prime Minister, fellow heads of state and leaders of government, ministers parliamentarian, members of Congress, to the youth leaders from Europe and America, to all of you who had anything to do with or were ever touched by the Marshall Plan. And I'd like to say a special word of appreciation to two distinguished Americans—former ambassadors, General Vernon Walters and Arthur Hartman, who worked on the Marshall Plan as young men, who have come here to be with us today.

This is a wonderful occasion. We are grateful to the Queen, the government and the people of the Netherlands for hosting us and for commemorating these 50 years. The words of Mr. Sedee reach out to us across the generations, no matter where we come from or what language we speak. They warn us of what can happen when people turn against one another, and inspire us with what we can achieve when we all pull together. That is a message that we should emblazon in our memories.

Just as we honor the great accomplishments of 50 years ago, as the Prime Minister said so eloquently, we must summon the spirit of the Marshall Plan for the next 50 years and beyond; to build a Europe that is democratic, at peace, and undivided for the first time in history, a Europe that does not repeat the darkest moment of the 20th century, but instead fulfills the brightest promise of the 21st.

Here in a citadel of a prosperous, tolerant Dutch democracy, we can barely imagine how different Europe was just 50 years ago. The wonderful pictures we saw, with the music, helped us to imagine: some 30,000 dead still lay buried beneath the sea of rubble in Warsaw; 100,000 homes had been destroyed in Holland; Germany in ruins; Britain facing a desperate shortage of coal and electric power; factories crippled all across Europe; trade paralyzed; millions fearing starvation.

Across the Atlantic, the American people were eager to return to the lives they had left behind during the war. But they heeded the call of a remarkable generation of American leaders—General Marshall, President Truman, Senator Vandenberg—who wanted to work with like-minded leaders in Europe to work for Europe's recovery as they had fought for its survival. They knew that, as never before, Europe's fate and America's future were joined.

The Marshall Plan offered a cure, not a crutch. It was never a handout; it was always a hand up. It said to Europe, if you will put your divisions behind you, if you work together to help yourselves, then American will work with you.

The British Foreign Secretary, Ernest Bevin, called the Marshall Plan "a lifetime to sinking men, bringing hope where there was none." From the Arctic Sea to the Mediterranean, European nations grabbed that lifetime, cooperating as never before on a common program of recovery. The task was not easy, but the hope they shared was more powerful than their differences.

The first ship set sail from Texas to France with 19,000 tons of wheat. Soon, on any given day, a convoy of hope was heading to Europe with fuel, raw materials and equipment. By the end of the program in 1952, the Marshall Plan had pumped $13 billion into Europe's parched economies. That would be the equivalent of $88 billion today. It provided the people of Europe with the tools they needed to rebuild their shattered lives. There were nets for Norwegian fishermen, wool for Austrian weavers, tractors for French and Italian farmers, machines for Dutch entrepreneurs.

For a teenage boy in Germany, Marshall aid was the generous hand that helped lift his homeland from its ruinous past. He still recalls the American trucks driving onto the schoolyard, bringing soup that warmed hearts and hands. That boy grew up to be a passionate champion of freedom and unity in Europe, and a great and cherished friend of America. He became a first Chancellor of a free and unified Germany. In his good life and fine work, Helmut Kohl has come to symbolize both the substance and the spirit of the Marshall Plan. Thank you. (Applause.)

Today we see the success of the Marshall Plan and the nations it helped to rebuild. But, more, we see it in the relations it helped to redefine. The Marshall Plan transformed the way America related to Europe, and in so doing, transformed the way European nations related to each other. It planted the seeds of institutions that evolved to bind Western Europe together—from the OECD, the European Union and NATO. It paved the way for reconciliation of age-old differences.

Marshall's vision, as has not been noted, embraced all of Europe. But the reality of his time did not. Stalin barred Europe's eastern half, including some of our staunchest allies during World War II, from claiming their seats at the table, shutting them out of Europe's recovery, closing the door on their freedom. But the shackled nations never lost faith and the West never accepted the permanence of their fate. And at last, through the efforts of brave men and women determined to live free lives, the Berlin Wall and the Iron Curtain fell.

Now, the dawn of new democracies is lighting the way to a new Europe in a new century—a time in which America and Europe must complete the noble journey that Marshall's generation began, and this time with no one left behind. I salute Prime Minister Kok for his leadership, and the leadership his nation has given, to ensure that this time no one will be left behind. (Applause.)

Twenty-first century Europe will be a better Europe, first, because it will be both free and undivided; second, because it will be united not by the force of arms, but by the possibilities of peace. We must remember, however, that today's possibilities are not guarantees. Though walls have come down, difficulties persist; in the ongoing struggle of newly free nations to build vibrant economies and resilient democracies; in the vulnerability of those who fear change and have not yet felt its benefits; to the appeals of extreme nationalism, hatred and division; in the clouded thinking of those who still see the European landscape as a zero-sum game in terms of the past; and in the new dangers we face and cannot defeat alone—from the spread of weapons of mass destruction to terrorism, to organized crime, to environmental degradation.

Our generation, like the one before us, must choose. Without the threat of Cold War, without the pain of economic ruin, without the fresh memory of World War II's slaughter, it is tempting to pursue our private agendas—to simply sit back and let history unfold. We must resist that temptation. And instead, we must set out with resolve to mold the hope of this moment into a history we can be proud of.

We who follow the example of the generations we honor today must do just that. Our mission is clear: We must shape the peace, freedom and prosperity they made possible into a common future where all our people speak the language of democracy; where they have the right to control their lives and a chance to pursue their dreams; where prosperity reaches clear across the continent and states pursue commerce, not conquest; where security is the province of all free nations working together; where no nation in Europe is ever again excluded against its will from joining our alliance of values; and where we join together to help the rest of the world reach the objectives we hold so dear.

The United States and Europe have embraced this mission. We're advancing across a map of modern miracles. With support from America and the European Union, Europe's newly free nations are laying the cornerstones of democracy. With the help of the USIA's Voice of America, today's celebration is being heard freely by people all across this great continent.

In Prague, where listening to Western broadcasts was once a criminal offense, Radio Free Europe has made a new home, and an independent press is flourishing. In Bucharest, democracy has overcome distrust, as Romanians and ethnic Hungarians for the very first time are joined in a democratic coalition government.

Thank you, sir. (Applause.)

From Vladivostok to Kaliningrad, the people of Russia went to the polls last summer in what all of us who watched it know was a fully democratic, open, national election.

We must meet the challenge now of making sure this surge of democracy endures. The newly free nations must persevere with the difficult work of reform. America and Western Europe must continue with concrete support for their progress, bolstering judicial systems to fight crime and corruption, creating checks and balances against arbitrary power, helping to install the machinery of free and fair elections so that they can be repeated over and over again, strengthening free media and civic groups to promote accountability, bringing good government closer to the people so that they can have an actual voice in decisions affecting their lives.

We have also helped new democracies transform their broken economies and move from aid to trade and investment. In Warsaw, men and women who once stood in line for food now share in the fruits of Europe's fastest growing economy, where more than nine of 10 retail businesses rests in private hands. Since the fall of the Berlin Wall, the international financial institutions have channeled to the new democracy some $50 billion to strengthen the foundations of their market economies. And as markets have emerged, another $45 billion in private investment has flowed from places like Boston and London to help support enterprises from Budapest to L'viv.

Now, as the new democracies continue to scale the mountains of market reform, our challenge is to help them reap more fully the benefits of prosperity, working to make the business climate as stable and secure as possible, investing in their economies, sharing entrepreneurial skills and opening the doors

of institutions that enable our community to thrive.

Again let me say America salutes the European Union's commitment to expand to Central and Eastern Europe. We support this historic process an believe it should move ahead swiftly. A more prosperous Europe will be a stronger Europe and also a stronger partner for Europe's North American friends in America and Canada.

Nations that tackle tough reforms deserve to know that what they build with freedom they can keep in security. Through NATO, the core of transatlantic security, we can do for Europe's East what we did in Europe's West—defend freedom, strengthen democracy, temper old rivalries, hasten integration, and provide a stable climate in which prosperity can grow.

We are adapting NATO to take on new missions—opening its doors to Europe's new democracies, bolstering its ties to non-members through a more robust partnership for peace, and forging a practical, lasting partnership between NATO and a democratic Russia—all these things designed to make sure that NATO remains strong, supports the coming together of Europe, and leads in meeting our new security challenges.

Yesterday in Paris the leaders of NATO and Russia signed the historic Founding Act that will make us all more secure. We will consult, coordinate and, where both agree, act jointly, as we are doing in Bosnia now.

Now, consider the extraordinary milestone this represents. For decades, the fundamental security concern in Europe was the confrontation between East and West. For the first time, a new NATO and a new Russia have agreed to work as partners to meet challenges to their common security in a new and undivided Europe, where no nation will define its greatness in terms of its ability to dominate its neighbors.

Now we must meet the challenge of bolstering security across outdated divides, making the NATO partnership work with Russia, continuing NATO's historic transformation.

In less than six weeks, NATO will meet again in Madrid to invite the first of Europe's new democracies to add their strength to the Alliance. The prospect of NATO membership already has led to greater stability, for aspiring members are deepening reform and resolving the very kinds of disputes that could lead to future conflict.

The first new members will not be the last. NATO's doors must, and will, remain open to all those able to share the responsibilities of membership. We will strengthen the Partnership for Peace and create a new Euro-Atlantic partnership council so that other nations can deepen their cooperation with NATO and continue to prepare for membership.

But let us be clear: There are responsibilities as well. Enlargement means extending the most solemn guarantees any nation can make—a commitment to the security of another. Security and peace are not cheap. New and current allies alike must be willing to bear the burden of our ideals and our interests.

Our collective efforts in Bosnia reflect both the urgency and the promise of our mission. Where terror and tragedy once reigned, NATO troops are standing with 14 partner nations—Americans and Russians, Germans and Poles, Norwegians and Bulgarians, all in common cause to bring peace to the heart of Europe. Now we must consolidate that hard-won peace, promote political reconciliation and economic reconstruction, support the work of the International War Crimes Tribunal here in The Hague, and help the Bosnian peace make the promise of the Dayton Accord real.

Today I affirm to the people of Europe, as General Marshall did 50 years ago: America stands with you. We have learned the lessons of history. We will not walk away.

No less today than five decades ago, our destinies are joined. For America the commitment to our common future is not an option, it is a necessity. We are closing the door on the 20th century, a century that saw humanity at its worst and at its most noble. Here, today, let us dedicate ourselves to working together to make the new century a time when partnership between America and Europe lifts the lives of all the people of the world.

Let us summon the spirit of hope and renewal that the life story of Gustaaf Sedee represents. He has a son, Bert, who is a bank executive. Today, he is helping to fulfill the legacy his father so movingly described—for just as the Marshall Plan made the investment that helped Holland's industry revive, Bert Sedee's bank is helping Dutch companies finance investments in Central and Eastern Europe. Just as the American people reached out to the people of his homeland, Bert Sedee and his colleagues are reaching out to the people in Slovenia, Latvia, Bosnia and beyond.

The youngest members of the Sedee family are also in our thoughts today—Gustaaf Sedee's grandchildren, Roeland and Sander, nine months and one-and-a-half—I wonder what they will say 50 years from today. I hope that they and all the young people listening, those who are aware of what is going on and those too young to understand it, will be able to say, we bequeath to you 50 years of peace, freedom and prosperity. I hope that you will have raised your sons and daughters in a Europe whose horizons are wider than its frontiers. I hope you will be able to tell your grandchildren—whose faces most of us will not live to see—that this generation rose to the challenge to be shapers of the peace.

I hope that we will all do this, remembering the legacy of George Marshall and envisioning a future brighter than any, any people have ever lived.

Thank you and God bless you. (Applause.)

TRIBUTE TO THE NATIONAL AIR TRAFFIC CONTROLLERS ASSOCIATION

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KLECZKA. Mr. Speaker, I rise to pay tribute to the National Air Traffic Controllers Association [NATCA], who will celebrate the 10th anniversary of its founding on June 19, 1997. On June 12, the NATCA local in Milwaukee will host a ceremony and public open house at Mitchell International Airport to commemorate this anniversary.

Representing approximately 14,000 men and women nationwide, NATCA works to protect the rights of air traffic controllers in the workplace through advocating safe working conditions and fair benefits in nearly 400 facilities in the United States and its territories. NATCA also helps ensure and maintain a reliable and safe traveling environment for our citizens by working jointly with the Federal Aviation Administration, the White House, Members of Congress, and the media to promote safety.

In today's computer age, there are more and more sophisticated devices in the complicated world of air travel. By skillfully reading and interpreting the information on the disks and screens, the dedicated men and women of NATCA safely get us home from our vacation destinations, back and forth to our home-State offices, and to our families for the holidays.

I urge all of my colleagues to join me in wishing NATCA a very happy 10th birthday and great successes in the years ahead. Keep up the excellent work.

IN MEMORY OF JOHN A. GANNON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the memory of John A. (Jack) Gannon.

Jack Gannon was an American hero. He fought bravely in World War II, and when he returned home, he fought for the rights of working people. Jack joined the Cleveland Fire Department in the early 1950's. He fought fires on the front line. Through his experiences, he saw the importance of improving safety and increasing support for his fellow firefighters, and throughout the rest of his career he fought to achieve those aims.

Jack was a union man. Jack joined the local committee of the International Firefighters Association, where his leadership skills and vision were quickly recognized. He rose to become president of the Cleveland Firefighters Local 93, where he served for 10 years. In 1980, Jack became president of the entire International Firefighters Association. Jack challenged his colleagues to improve safety and support. He was elected vice president of the AFL–CIO.

Jack was a national treasure. President George Bush and the U.S. Senate appointed him as a member of the National Council on Disability. As the sole Democrat on the council, he worked to forge a bipartisan forum for disability policy issues, and eventually helped to pass the landmark Americans With Disabilities Act of 1990. President Bill Clinton called upon Jack to help win passage for the first-ever U.S.-sponsored resolution on disability policy in the United Nations Commission on Social Development and General Assembly.

A champion for the rights of firefighters and the rights of the disabled, Jack Gannon left a legacy of which Cleveland, this House, and the whole Nation may be proud.

HONORING RAYMOND G. O'NEILL

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KILDEE. Mr. Speaker, last week, Americans celebrated Memorial Day, remembering

those men and women who gave their lives in service to their country. As a nation, we paused to recall all they have done to preserve and protect our way of life. It is in this spirit that I rise today to honor a man who for over a half century has dedicated his life to working for Michigan's veterans. On June 1, 1997, Mr. Raymond G. O'Neill will retire as director of the Veterans of Foreign Wars Service Office of Michigan after 45 years.

A lifelong Michigan resident, Raymond O'Neill enlisted in the U.S. Marine Corps while still a high school senior in 1942, serving several stints in the South Pacific. During his tour of duty, he was awarded the Presidential Unit Citation with Star, Asiatic-Pacific Ribbon with two Bronze Battle Stars, Marine Good Conduct Medal, and American Theater and Victory Medals.

After leaving the service, Mr. O'Neill served as the first commander of the VFW Post 9030 of Detroit, a post he was responsible for organizing. That post remained in use from 1947 to 1981, when it was consolidated with two other posts to form Fortier's-O'Grady Post 147, where he again served as its first commander. In 1952, Mr. O'Neill began his long tenure with the VFW Service Office as an assistant service officer and claims examiner, rapidly rising up the ranks from field supervisor to assistant director and ultimately leading to his current position as State director of veterans services, where he has served since 1968.

Mr. O'Neill's activities have garnered the attention of the community as well as his peers, and have earned him a high degree of renown and respect. Some of the numerous awards bestowed upon him include the 1963 Michigan Veteran of the Year, the Chapel of Four Chaplains Award, the Wayne County Artistic Excellence and Community Commitment Award, and a special Resolution of Tribute from the Michigan Legislature.

Mr. Speaker, I say without a doubt that every veterans organization in Michigan owes part of their success to Raymond O'Neill's constant diligence. Our veterans have been affected in so many ways by his hard work and advocacy on their behalf. Although he is retiring, I know that he will remain the best advocate a veteran could have. I ask my colleagues in the House of Representatives to join me in paying tribute to Ray and wishing him well in his retirement.

HONORING CHARLES SEIPELT

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PORTMAN. Mr. Speaker, I would like to take this opportunity to acknowledge Charles Seipelt, who is retiring after 35 years as principal of Pleasant Hill Elementary School in Milford, OH. Mr. Seipelt has been the one and only principal of the school since it was built. His long and dedicated service as principal is truly remarkable, and he will be greatly missed by students, teachers, and fellow administrators. I know I speak for everyone in Milford in wishing him the best of success in his future endeavors.

THE LEGACY OF THE MARSHALL PLAN: 50 YEARS LATER, THE WORLD STILL BENEFITS

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LANTOS. Mr. Speaker, this week the United States and the countries of Western Europe mark the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall Plan was first publicly discussed. That idea was an act of statesmanship, and its implementation was one of the greatest examples of bipartisan foreign policy.

Secretary Marshall's address was given just 2 years after the end of World War II at a time when the economy of Europe was still in shambles. Many cities were in rubble, in most countries food was still rationed, and those factories that were still functioning were operating at only a fraction of their prewar levels. The decision by the Government of the United States to contribute to the rebuilding of Europe by sending money, equipment, and services was a major factor in accelerating Europe's recovery. It helped restore the confidence of the political and economic leaders of the countries of Western Europe, and it brought to Europe an infusion of American ideas—economic and management concepts, as well as political ideas. These have been major factors in the economic and political transformation of Europe.

Mr. Speaker, just a few days ago, this House considered and adopted a resolution which I introduced with the cosponsorship of a number of my colleagues, House Concurrent Resolution 63, recommitting the United States to the principles of the Marshall Plan. Mr. Speaker, that resolution recognizes the wisdom and insight of Secretary Marshall's address and of the policy that resulted from it, and it recommits the United States to that wise policy first enunciated 50 years ago. I appreciate the wisdom of the House in rededicating our Nation to those principles.

Mr. Speaker, the Washington Post Outlook Section in its issue of May 25 published a brilliant essay by historian John Lukacs on the legacy of the Marshall Plan. Professor Lukacs is one of the most distinguished and articulate scholars of contemporary history, and he is the author of a number of important books on international politics in the second half of this century. He points out that the greatest importance of the Marshall Plan was not its contribution to European economic recovery, but the affirmation of an American commitment to the political and military security of Europe. We recognized through our unselfish implementation of the Marshall plan that our own Nation's future was linked with the security, prosperity, and democratic success of Europe. Mr. Speaker, I ask that the article by Professor Lukacs be placed in the RECORD and I urge my colleagues to give it careful, serious, and thoughtful attention.

THE IDEA THAT REMADE EUROPE

(By John Lukacs)

The fifth of June, 1947, was a milestone in the history of the United States, and of what was soon thereafter called the Western World. Fifty years ago, in a speech to Harvard University's graduating class, Secretary of State George C. Marshall announced the European Recovery Program, later known as the Marshall Plan. It described the American government's firm resolution to underwrite the economic recovery of European countries damaged by the recently ended war and threatened by the possible expansion of international communism.

The plan was a great success. It provided for generous loans, outright gifts and the furnishing of American equipment, eventually amounting to some $13 billion (or about $88.5 billion in today's dollars) tendered to 16 countries over five years between 1947 and 1952. West Germany was included among the recipients when it became a state in 1948.

The Marshall Plan was a milestone; but it was not a turning point. The giant American ship of state was already changing course. Two years before, the government and much of American public opinion had looked to the Soviet Union as their principal ally, even sometimes at the expense of Britain. But by early 1947, the Truman administration had begun to perceive the Soviet Union as America's principal adversary—a revolution in foreign policy that has had few precedents in the history of this country.

In 1947, this was marked by three important events; the announcement of the Truman Doctrine in March, committing the United States to the defense of Greece and Turkey; the announcement of the Marshall Plan in June; and the publication in the July issue of Foreign Affairs of the famous "X" article by George F. Kennan, then director of the State Department's policy planning staff, who defined a policy of Soviet "containment." In a radical department from American traditions, these three statements showed that the United States was committed to defend a large part of Europe, even in the absence of war.

All this is true, but perhaps a whit too simple in retrospect. The term "Cold War" did not yet exist, and there was still hope that a definite break with the Soviet Union—leading among other things to a hermetic division of Europe—might be avoided. Marshall's speech suggested that the offer was open to the states of Eastern Europe too, and perhaps even to the Soviet Union. One reason for this somewhat indefinite generosity was to maintain an American presence in Eastern Europe, since the plan called for the establishment of ties with the United States, including the temporary presence of American administrators.

That is why Stalin refused to countenance the Marshall Plan from its inception. (As Winston Churchill had said, Stalin feared Western friendship more than he feared Western enmity.) Czechoslovakia provides a case in point. Ruled by a coalition government in which the Communists were amply represented but which was parliamentary and democratic, Czechoslovakia still hoped to remain a possible bridge between East and West. The first reaction of the Prague government was to accept the offer of the Marshall Plan. Moscow then ordered the government to refuse it, which it did—instantly.

This did not surprise officials in Washington, including Kennan. By June, the division of Europe was already hardening fast. The Iron Curtain (a phrase first employed 15 months before by Churchill) was becoming a physical reality. Eight months after Marshall's speech, the Communists took over Prague. Soon after came the Russian blockade of West Berlin, the Berlin airlift, the

final separation of Western from Eastern Germany, and the formation of NATO in early 1949. The partition of Europe was frozen; the Cold War was on.

So, generously offered and eagerly accepted, the Marshall Plan was restricted to Western Europe. Within four years, the economic and financial recovery of Western Europe was advancing swiftly. It is interesting that the costs of the American contribution to rebuilding Europe during those first crucial years of the Cold War were about the same as the costs of the materials it had given the Soviet Union during World War II to help with the Allied victory. After 1947, not a single European country went Communist that was not already Communist in 1947—a situation that remained unchanged until the dissolution of the Soviet Eastern European empire in 1989.

But the economic effects of the Marshall Plan should not be exaggerated. Its principal effect was political: a definite sign of America's commitment to the defense of Western Europe, and to maintaining an American presence there. Behind the Marshall Plan, of course, was the habitual American inclination to overrate economic factors, coupled with the inclination to think in ideological terms, to be preoccupied by the dangers of communism, rather than by the existence of Russian nationalism, including the Russian military presence in Eastern Europe. Despite the success of the Marshall Plan and of Western European economic recovery, the proportion of Communist voters in countries such as France and Italy did not decrease from 1947 to 1953.

The Marshall Plan left a more long-standing legacy than recovery. It was one of the instruments of the democratization of Western Europe, resulting in the emulation and adoption of American ideas and institutions, such as progressive income taxation, Social Security, near-universal education and installment buying, all of which led to the gradual homogenization and rising prosperity of entire peoples. It included giving credit to the masses, financially and otherwise: *"On ne prete qu'aux riches"*—credit is only for the rich—was not just a French aphorism but the established capitalist practice in Europe until about 1948.

By the 1950s, the social structure of Western Europe was starting to resemble that of the United States. Now, this transformation is largely completed and the differences between the United States and other democratic societies are no longer mainly economic or social, but national and cultural.

The Truman administration was able to push the Marshall Plan through a predominantly Republican Congress in 1947–48, in which the main opponents of the European Recovery Program were right-wing Republicans, the very people who accused Truman and his government of being soft on communism. Most of these people had been isolationists before and during the first years of World War II. Their conversion to another kind of internationalism (more precisely: supernationalism) was easy. By 1956, the Republican party adopted a platform calling for "the establishment of American air and naval bases all around the world"—proposed by a party that was even then called "isolationist" by its opponents, wrongly so.

The Marshall Plan in 1947 was followed, less than two years later, by the creation of NATO, an alliance that, for all its merits, contributed to a political division of Europe lasting for 40 years. With the retreat of the Russians from Eastern Europe in 1989, the Cold War—and the partition of Europe—came to an end. Some people called for a new Marshall Plan for Eastern Europe and, perhaps, for Russia. But this did not come about, for many reasons. In 1947, the United States was the only economic superpower in the world; 40 years later, this was no longer the case. In 1947, the countries of Western Europe were threatened by a possible expansion of communism; the opposite was true of Eastern Europe 40 years later. In 1947, the global financial economy was in its embryonic stage; 40 years later, principal investments abroad no longer required the principal thrust of a government.

But with all of these differences in mind, there remains one similarity. History does not repeat itself, but some historical conditions do. The main beneficial result of the Marshall Plan was Western Europeans' confidence that the United States was committed to maintaining their freedom. The American commitment to Eastern Europe now is not clear. It is suggested here and there by American actions, as in Bosnia, but it is not a commitment. Yet it is in the interest of most European countries—yes, including even Russia—that a new division of Europe should not occur. The main instrument for its avoidance may no longer be an Eastern European Marshall Plan; but it is certainly not an extension of NATO.

TRIBUTE TO THE NATIONAL PUERTO RICAN PARADE, 40 YEARS OF HISTORY

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SERRANO. Mr. Speaker, it is with great joy that I rise today to pay tribute to the National Puerto Rican Parade on its 40 years of history. The parade, to be held on June 8 in New York City, is the largest celebration of Puerto Rican culture in the United States.

Throughout its history, the parade has grown into a national event under the leadership of its president, Ramón S. Vélez. The event attracts thousands of Puerto Ricans from across the Nation and from Puerto Rico, as well as many other individuals, their families and children, from all ethnic backgrounds.

This year's parade will honor the life of a Puerto Rican hero, Roberto Clemente. Mr. Clemente's exceptional athletic talent was paired with his outstanding humanitarian and charitable contributions to this Nation. He died 25 years ago in an airplane crash, while he was on a mission to help the victims of an earthquake in Nicaragua.

Mr. Clemente's memory has also been honored with the Congressional Gold Medal, the highest civilian award bestowed to an individual by the U.S. Congress. Clemente's legacy is an inspiration and an example to the children of Puerto Rico, as well as those of this Nation.

As a Puerto Rican, a New Yorker, and a Member of Congress, it is an honor to once again participate in this national event, in which thousands of individuals will march along Fifth Avenue, in Manhattan, in celebration of our Puerto Rican heritage and our achievements in this Nation. Among other accomplishments, Puerto Ricans have been instrumental in transforming New York City into a great bilingual city. Moreover, the parade has served as a national landmark in which people from all ethnic groups unite to commemorate our Nation's glorious immigrant history.

Mr. Speaker, it is with great pride that I ask my colleagues to join me in honoring Roberto Clemente and the National Puerto Rican Parade, in its celebration of our Puerto Rican legacy, and the many contributions made by the sons and daughters of Puerto Rico to the greatness of this Nation.

THE REDUCTION IN MEDICARE OVERPAYMENT COSTS ACT OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. STARK. Mr. Speaker, I am pleased to introduce the Reduction in Medicare Overpayment Costs Act of 1997, which imposes an administrative fee on providers who submit inaccurate Medicare claims.

The American taxpayer spends nearly $200 billion on Medicare every year. However, billions are lost due to inaccurate claims or overpayment. This burdens the Nation with serious financial costs, threatening the quality of medical care and endangering the long-term sustainability of the Medicare Program.

The Reduction in Medicare Overpayment Costs Act of 1997, which was introduced in the Senate by Senator MCCAIN, will help eliminate overpayments by imposing an administrative fee to offset recovery costs. The purpose is to discourage doctors from submitting false or misleading claims and to prevent hospitals from excessively overestimating Medicare costs.

The act promotes these purposes in three ways. First, the act imposes an up to 1 percent administrative fee if the repayment is more than 30 days late. Second, the act will impose an up to 1 percent administrative fee if the provider overestimates Medicare needs by greater than 30 percent. Third, the act requires the issuance of a report detailing which services typically result in overpayments.

This act is needed to crack down on incorrect or inflated claim practices in Medicare. I urge my fellow members to vote in favor of this bill to ensure claim accuracy by Medicare providers.

IN MEMORY OF SERGEANT MARLIN C. CARROLL

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SKELTON. Mr. Speaker, it is with deep sadness that I inform the House of the death of Sergeant Marlin C. Carroll of Warsaw, MO. Sergeant Carroll had a distinguished 30-year career in the Missouri State Highway Patrol before his retirement in 1988. I knew him as a friend, as a dedicated law enforcement officer, and as a man of honor and integrity.

Sgt. Carroll was born on a farm in Worth County, MO, in 1933, the son of Ralph Wayne and Aloha June Morin Carroll. He grew up in Worth County and graduated from Grant City High School in 1951. He married Gerry Heisman on May 18, 1952. He served his country with distinction in the U.S. Army and in the U.S. Air Force Reserve.

In 1958, Sgt. Carroll joined the Missouri State Highway Patrol, and was stationed in my hometown of Lexington, MO. IN 1965, he received the American Red Cross Life Saving Award for his prompt and professional actions in rescuing a child from a life-threatening accident. In 1967, he was promoted to Corporal and transferred to Carrollton, MO, and in 1971, he was promoted to Sergeant and moved to Warsaw where he served as zone sergeant for Benton and Henry Counties until his retirement.

Sgt. Carroll was an active member of his community, and he will be missed by all who had the privilege to know him. I know the Members of the House will join me in extending heartfelt condolences to his family: his wife, Gerry: his daughter, Patty; his two sons, David and Eddie; his nine grandchildren and two great-grandchildren; and his mother, brother, and two sisters.

TRIBUTE TO BOB BLONSKI

HON. GERALD D. KLECZKA

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KLECZKA. Mr. Speaker, I rise today to pay heartfelt tribute to my long-time friend, Mr. Robert J. Blonski, of Milwaukee, who is leaving Lincoln Community Bank on July 1. After many years of dedicated service to Lincoln, Bob is moving on to new challenges as president of M&M Services, a subsidiary of Merchants and Manufacturers Bancorporation.

Bob and his wife, Kathleen, are the proud parents of two wonderful boys. Bob has diligently served as a member of my academy selection board, helping with the difficult and all-important task of selecting which of our area's fine young men and women will receive a congressional nomination to our Nation's service academies.

Professionally, Bob has contributed to the growth of Lincoln Community Bank for 30 years beginning on July 1, 1967. He has worked in various capacities during those years, serving as treasurer, secretary, senior vice president, executive vice president, and most recently as president. Under his leadership, Lincoln has truly been a bank of the community on Milwaukee's southside—helping families finance their first homes and send their children to college.

Bob will be honored at an appreciation dinner May 21 where his many friends and colleagues will appropriately thank him for his leadership and hard work. I am confident that the skills and knowledge he has gained over the years will serve him well in his new position. Bet wishes, Bob.

IN HONOR OF DAVID H. BROWN

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor the life achievements of David H. Brown, who retires after 33 years of Federal service assuring safe and efficient airways.

During his long career, Mr. Brown worked with the Federal Aviation Administration as an air traffic control specialist in Oberlin and in Toledo, OH. As Mr. Brown's career progressed, he moved to Cleveland's Hopkins Air Traffic Control Tower, Detroit's Air Traffic Control Tower, and was promoted to supervisor, in which capacity he served in Boston and Toledo.

Mr. Brown was selected as an evaluation inspector for the Office of Air Traffic System Effectiveness, Evaluation Division at Washington Headquarters and ended his service as the assistant manager for operations in Cleveland.

Mr. Brown earned the respect and recognition of his superiors and peers. He is known for his vast knowledge and experience with air traffic control. He possesses a wide array of management and leadership skills.

Throughout his career, Mr. Brown received numerous performance awards, achievement awards, letters of commendation and of appreciation.

The airways of the midwest and northern Ohio are safer for Mr. Borwn's vigilance and experience. We acknowledge his retirement from Government service with deep appreciation and supreme gratitude.

HONORING HAROLD SHOWALTER

HON. ROB PORTMAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PORTMAN. Mr. Speaker, I would like to acknowledge the outstanding service of Harold Showalter, who is retiring after 41 years of service to Fayetteville-Perry Local Schools. During his remarkable career, he has been a music-drama teacher, English teacher, librarian, high school principal, director of District Media/Computer, and director of District Library/Media.

Among his numerous awards and honors, Mr. Showalter is the recipient of the 1996 Governor's Award for Innovation and the 1996 SOITA Technology Leadership Award. But perhaps the most fitting recognition he has received is the establishment of a scholarship fund in his honor by the faculty and administration of the Fayetteville-Perry Local School District.

His professionalism and expertise will long be remembered, and he will be greatly missed by students, faculty and administrators. I join the Fayetteville community in wishing Harold and his wife, Mary Rae, a long and enjoyable retirement.

USAID ADMINISTRATOR J. BRIAN ATWOOD ADDRESSES POST-CONFLICT PEACE TRANSITIONS

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. HAMILTON. Mr. Speaker, I would like to bring to my colleagues' attention an excellent article printed on May 27 in the Christian Science Monitor by U.S. Agency for International Development, Administrator J. Brian Atwood.

In the article, Atwood outlines the difficulty in achieving successful post-conflict transitions from crisis to peace in countries including Guatemala, Angola, and Bosnia. He discusses the need for continued support from Congress for organizations such as the USAID's Office of Transition Initiatives [OTS], which is working to help these countries achieve and maintain peace in the wake of political transformation.

The test of his article follows:

[From the Christian Science Monitor]

HELPING COUNTRIES MAKE THE TRANSITION FROM CRISIS IS ONE OF OUR GREATEST FOREIGN POLICY CHALLENGES AFTER THE CONFLICT HAS ENDED

(By J. Brian Atwood)

No trend has been more closely scrutinized in the wake of the cold war than the proliferation of crises.

From Zaire to Bosnia to Rwanda, the international community is reeling from a series of vicious civil wars, refugee emergencies, and human catastrophes. The international system structured around the cold-war diplomatic notions of containment and détente is scrambling to adjust to the demands of peacekeeping and humanitarian relief.

One of the greatest challenges of this new world disorder is how best to assist nations emerging from conflict. The successful transition from crisis—the process of moving an entire society from conflict to enduring peace—is an extraordinarily difficult one. There are countless instances—Liberia, Afghanistan, Angola—where promising moves toward peace have quickly dissolved into shattered cease-fires and renewed conflict.

Nations emerging from conflicts confront daunting obstacles. Their governments are usually weak or nonexistent, and they often face corruption, rising public expectations, and immature political leadership. They typically operate with barely functioning economies, scant resources, scores of former combatants lacking peacetime job skills, a proliferation of land mines, and lingering tensions that can quickly reignite into conflict.

GOVERNMENT'S WEAKNESS

Four years ago, when I came to the US Agency for International Development (USAID)—the agency responsible for delivering United States humanitarian and development assistance abroad—the US government was poorly equipped to help nations during the tenuous interlude between war and peace. For foreign policymakers, this weakness was an Achilles' heel in a world where failed states and sweeping change were everyday realities.

Donor conferences that commit millions of dollars but fail to quickly address on-the-ground problems do little to create an expectation of peace. In post-conflict situations,

opportunity is fleeting, and if people don't see instant results, political violence and repression reemerge. I remember former Secretary of State Larry Eagleburger telling me, "If USAID can't deliver that, we need something that can."

The Clinton administration decided to try a new mechanism to bring fast, direct, and overt assistance to priority countries emerging from conflict.

With the support of Congress, USAID's Office of Transition Initiatives (OTI) was launched in early 1994 to help countries move beyond conflict by addressing fundamental needs of emergency rehabilitation and democratic development. Since the office worked in crisis situations, it was given special legal authorities attached to international disaster assistance funding.

EARLY SUCCESS STORIES

The early results are promising: OTI has shown it is a lean, flexible operation capable of targeting the key bottlenecks that prevent post-crisis societies from moving forward.

In Guatemala, in support of the December 1996 peace accords, OTI is helping implement the demobilization plan for the Guatemalan rebel force, known as the Guatemalan National Revolutionary Unity—or URNG. OTI helped build the eight camps for URNG's demobilization and is providing training and education at the camps.

In Angola we have had a transition program to strengthen compliance with that nation's post-civil-war peace agreement, the Lusaka Protocol. OTI planned the demobilization centers that were taken over by UN peacekeeping forces. OTI efforts in Angola have been guided by the notion that security comes first. Until people feel a degree of safety, they are not ready for political development. That was a lesson of the first, failed transition in Angola.

The second time around, OTI supported mine awareness and removal, civic training and demobilization activities for excombatants, community self-governance, and a flow of accurate, uncensored news.

Almost 1.4 million Angolans have been reached by mine-awareness training and about 750 were trained in mine-removal techniques. The result has been a significant reduction in mine accidents, the reopening of large areas of the country to commerce and agriculture, and, most important, the return of refugees and displaced persons to their homes.

In Bosnia we were on the ground to offer support when the federation was formed. We subsequently built on that experience to support the Dayton accords once they were signed. OTI programs in Bosnia have directly targeted the public disinformation campaigns that have fueled ethnic tensions in that region and helped train journalists and disseminate news that supports reconciliation.

To all involved, it was clear that the same public media that had been used as a powerful tool to provoke conflict could be just as instrumental in promoting peace. There are many difficult questions still ahead, but OTI was on the ground early and, if this effort succeeds in keeping the peace, this early contribution will have made a difference.

STEPS FOR THE FUTURE

The challenge of the next century will be to maintain a commitment to long term development and crisis prevention, while at the same time developing fast and flexible instruments that will allow us to take direct and positive action in transitions or in situations where crisis is imminent.

Twenty years ago we might have directed the Central Intelligence Agency to take covert actions in these situations. Some would argue that in those days of East-West conflict we were capable of using coercion and brute strength to bring about the desired policy outcome. But the world has changed.

Today, our challenge is to develop overt mechanisms like OTI to quickly advance our strategic interests and both prevent crises and help nations more beyond conflict. The overt mechanisms of the 1990s, unlike the covert efforts of the 1960s, have to be transparent, democratic, and able to stand the test of public scrutiny. The diplomatic and development arms of US foreign policy must work side-by-side to prevent crisis, to transit from crisis, and to produce positive change.

Idealistic? Perhaps. But does an indispensable nation have any other choice?

TRIBUTE TO REV. DR. SHELLIE SAMPSON, JR.

HON. JOSÉ E. SERRANO

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SERRANO. Mr. Speaker, I rise today to pay tribute to Rev. Dr. Shellie Sampson, Jr. who will be honored on Saturday at the fifteenth pastoral anniversary banquet of the Thessalonia Baptist Church of New York.

In short, Pastor Sampson lives to help other people. He has been diligent in providing spiritual guidance and support to the members of our community.

In addition to his services as Pastor, he led the erection of our Cultural Community Center, and co-founded the Thessalonia Elementary Academy, the Thessalonia Institute of Religion, and the church's bookstore.

Among other activities he is also the president of the Baptist Ministers Conference of greater New York City and vicinity, a member of the Afro-American clergy advisory group to the mayor, an education commissioner at the New York State convention, a teacher at the New York and National Baptist congresses, and a co-founder of south Bronx churches.

Pastor Sampson is an educator and is very actively involved in programs to assist minority students. The killing of his 25-year-old son, Kitu Sampson, a religious disc jockey in Franklin Township, PA, motivated him and strengthened his belief in the need to educate the city's youth. "It works both ways," he said. "Life is unpredictable. You never know when disaster's going to strike. So, it makes you determined to get the young people educated."

He earned a bachelor's degree in science from Rutgers University, a Master of Divinity degree, and a doctorate in Christian education from Drew University. A firm believer in education, he is currently pursuing another doctorate in education from Temple University. He served as Dean of Education at Shiloh Baptist Association in New Jersey, was the co-commissioner of education at New Jersey State Baptist convention, president of Northern Baptist School of Religion—formerly known as Northern Baptist University—headmaster at Convent Academy, and executive director at Baptist Education Center. His wife, Deloranzo, heads the Thessalonia Elementary Academy.

As it is written in Hebrews 6:10, "for God is not unjust; he will not forget your work and the love you have shown him as you have helped his people and continue to help them," the community, too, recognizes him and is honoring him.

Mr. Speaker, I ask my colleagues to join me in honoring Rev. Dr. Shellie Sampson, Jr. for his fifteen years as Pastor at Thessalonia Baptist Church and his dedication to our south Bronx community.

HONORING GALLEN MARSHALL'S OUTSTANDING MUSICAL CAREER AS DIRECTOR AND CONDUCTOR OF THE MASTERWORKS CHORALE AND ORCHESTRA

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the outstanding musical contributions that Mr. Gallen Marshall has given to our community. Mr. Marshall, who is celebrating his 33d and final season as music director and conductor of the Masterworks Chorale and Orchestra, has devoted his life to sharing with others his love for the creative arts. He has inspired a generation of Californians with his passion for music and his talent for teaching. He will be sorely missed.

Gallen Marshall joined the music faculty at the College of San Mateo in 1963 and a year later founded the Masterworks Chorale at the college. Mr. Marshall's original group consisted of 40 singers. Under his leadership, the chorale quadrupled in size and it blossomed musically as well. Mr. Marshall's singers performed with a wide range of internationally renowned organizations, including the San Francisco Symphony, the San Francisco Opera, the San Jose Symphony, the Festival of Masses, and the Cabrillo Festival.

Gallen Marshall challenged his pupils to fully cultivate their musical talents, and he helped them to achieve new heights of skill and creativity. The chorale performed some of the most demanding works, among them "Flos Campi" by Vaughan Williams, "Four Sacred Pieces" by Verdi, Britten's "War Requiem," and Beethoven's "Missa Solemnis." Mr. Marshall's singers delighted audiences far and wide, from California to Carnegie Hall, where the chorale performed in 1989 to rave reviews. In praising the chorale, Peter E. Tiboris, the music director and principal conductor of the Manhattan Philharmonic, exclaimed, "Without question this was one of the greatest performances of Verdi's "Requiem" that this hall ever heard. This is a world-class organization and your region is fortunate to have such a musical organization in its midst." The chorale received similarly effusive praise in response to concerts around the world, including its seven European tours and the chorale's concert series in the People's Republic of China.

For over three decades, Gallen Marshall's chorale has served as one of the finest examples of bay area culture, and it has been received by the community in a manner worthy of this status. The San Francisco Examiner

noted that "choruses abound in the Bay Area, but few, if any, are finer than the Masterworks Chorale." The San Jose Mercury gushed: "The Masterworks Chorale bites off immense challenges and carries them off without blinking." The outstanding quality of Mr. Marshall's work was cited by the Hillbarn Theater, which honored him as the 1992 recipient of its Bravo! Award for excellence and service to the arts in San Mateo County. In describing one notable performance, the San Francisco Chronicle paid special tribute to Marshall's leadership: "Conductor Marshall's skill, as well as fidelity to the music, added a constant plus factor to the evening—a major event of the season. He deserved his ovation." As Gallen Marshall's congressional representative, I could not agree more. He is truly a credit to our community.

Mr. Speaker, I invite my colleagues to join me in congratulating Gallen Marshall for his outstanding musical achievements and to join me as well in wishing him great success in his future endeavors.

THE MEDICARE AND MEDICAID WASTE, FRAUD AND ABUSE WASTE PREVENTION AMENDMENTS OF 1997

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. STARK. Mr. Speaker, along with Mr. McDERMOTT and Mr. WEYGAND, I am pleased to introduce the Medicare and Medicaid Fraud, Abuse and Waste Prevention Act of 1997, a bill that will implement the President's recent initiative to combat waste, fraud, and abuse in Medicare and Medicaid.

Although I congratulate the Republicans for accepting many of the provisions within the administration's fraud bill, several provisions critical to the fight against health care fraud were not included in the budget Medicare package as proposed by Chairman BILL THOMAS and should be made law.

The U.S. taxpayer spends $191 billion each year to fund Medicare programs. However, $20 billion, or 10 percent, is lost to fraud. Too many health providers are putting their hands into the public trough. Too many individual physicians, nursing homes, and medical equipment dealers are overcharging the American taxpayer for alleged legitimate Medicare expenses.

Health care fraud burdens the Nation with enormous financial costs, threatening the quality of health care, and endangering the long-term sustainability of the Medicare Program.

Operation Restore Trust, a demonstration program of Health and Human Services, has recovered $23 for every $1 spent in their efforts to fight fraud. The program began 2 years ago in California, New York, Texas, and Florida, where large concentrations of Medicare recipients live. To date, the program has identified $188 million owed to the Federal Government and led to 74 criminal convictions.

Why do we need these amendments to crack down on fraud and abuse in the Medicare system? It is to prevent scam artists from preying on vulnerable senior citizens.

It is to prevent people like Dorothy and Barry Hultman of Connecticut from building a luxury, state-of-the-art home by scamming the system and overbilling Medicaid by $1.15 million for nonexistant or exaggerated costs.

It is to prevent people like Vernon Will from filing for bankruptcy and discharging nearly $20 million in debts, while his nursing home closed in San Jose, CA, notifying 27 elderly residents that they had 1 day to pack up and leave.

It is to prevent a nursing home from collecting $5,000 for surgical tape for a patient, who somehow used 12.5 miles of this tape over a 6-month period.

It is to prevent drug traffickers identified by the FBI from targeting the health care system.

Finally, it is to prevent the American taxpayer, vulnerable senior citizens, and the poor from being taken for a ride by scam artists. This bill would potentially save the American taxpayer billions of dollars.

According to Secretary Shalala, the program's goals are threefold. First, the amendments make it difficult for fraudulent people to get into the system in the first place. Second, the amendments require providing Federal health care programs with Social Security numbers to track fraudulent or suspect invoices. Third, the amendments enact very strong penalties for those convicted of fraud.

The first goal, making it difficult for a bad actor to enter into the system, and would permit the Secretary to refuse to accept or to terminate an agreement for Medicare if convicted of a felony.

Under the second part of the bill, Medicare providers would be required to provide verified Social Security Numbers and employer identification numbers [EINs] for their practices and for any owners or managing employees.

Lastly, the bill permits a court to impose very strong penalties for violations. The penalties include criminal and civil penalties and injunctions. Also, filing for bankruptcy would not discharge a debt to the United States under Medicare or Medicaid. Again, the goal is to deter those who would try to circumvent the law.

By passing this bill we will accomplish three things. First, we will send a message to those who prey on the more vulnerable segments of our society. We will find them and punish them to the fullest extent of the law. Second, we will give new tools to those fighting health care fraud in helping them to ferret out corruption. Finally, we will reduce the corruption in the nearly $200 billion Medicare Program, saving money both in the short and the long run.

I urge my fellow Members of Congress to join with me in passing this important piece of legislation. Together, we can combat waste, fraud, and abuse in Medicare and Medicaid.

I refer my colleagues to the attached document, which provides a more detailed description of the bill.

MEDICARE AND MEDICAID FRAUD, ABUSE, AND WASTE PREVENTION AMENDMENT OF 1997

SECTION-BY-SECTION SUMMARY

(Except as otherwise indicated, this bill amends provisions of the Social Security Act.)

TITLE I—ACCOUNTABILITY OF SERVICE PROVIDERS

Part A—Sanction Authority

Sec. 101. Exclusion of Entity Controlled by Family Member of a Sanctioned Individual.

Section 101 amends section 1128 to authorize the Secretary to exclude from participation in federal health care programs (FHCPs), including Medicare and Medicaid, an entity owned or controlled by an immediate family member of an excluded individual. This will prevent an excluded individual from circumventing the exclusion by transferring ownership or control of a health care entity to a family member.

Sec. 102. Civil Money Penalties (CMPS) for Kickbacks.

Section 102 amends section 1128A to provide for civil monetary penalties for kickback violations against FHCPs. Current law authorizes only criminal penalties or exclusion for those who violate the anti-kickback statute, and this amendment will provide an intermediate remedy.

Sec. 103. CMPs for Persons That Contract With Excluded Individuals.

Section 103 amends section 1128A to provide for CMPs against a person arranging or contracting with an individual or entity for the provision of items or services under a FHCP, if the person knows or should know that the individual or entity has been excluded from participation in the program.

Sec. 104. CMPs for Services Ordered or Prescribed by an Excluded Individual or Entity.

Section 104 amends section 1128A to authorize the Secretary to exclude from FHCPs persons furnishing medical items or services ordered or prescribed by an excluded individual or entity, if the person furnishing the services knows or should know of the exclusion.

Sec. 105. CMPs for False Certification of Eligibility to Receive Partial Hospitalization and Hospice Services.

Section 105 amends section 1128A to provide for CMPs for false certification of need for partial hospitalization or hospice services. (This amendment expands the authority for CMPs for false certification of need for home health services enacted in P.L. 104–191, the Health Insurance Portability and Accountability Act of 1996 (HIPAA).

Sec. 106. Extension of Subpoena and Injunction Authority.

Section 106 amends section 1128A to extend to the exclusion authority under section 1128 the Secretary's authority to enjoin violative acts and issue subpoenas requiring witnesses to appear or produce testimony. This section also makes clarifying amendments regarding the scope of authority delegable to the Inspector General.

Sec. 107. Kickback Penalties for Knowing Violations.

Section 107 reverses the 1995 decision in *Hanlester Network* v. *Shalala*, in which the U.S. Circuit Court of Appeals for the 9th Circuit held that a determination of whether a defendant acted "willfully" in violation of Medicare's criminal provisions required proof by the government that the defendant knew his actions violated a known legal duty as opposed to knowing that his conduct was wrongful. The effect of this decision was to place a very high burden of proof on the government.

Sec. 108. Elimination of Exception of Federal Employees Health Benefits Program from Definition of Federal Health Care Program.

Section 108 amends section 1128B(f) to eliminate the exclusion of the Federal Employees Health Benefit (FEHB) Program

from the definition of a Federal health care program.

Sec. 109. Amounts of CMPs.

Section 109 amends section 1842 to provide (by reference) specific dollar amounts for CMPs that the Secretary currently has authority to impose in response to a broad range of violations.

Sec. 110. Liability of Physicians in Specialty Hospitals.

Section 110 amends section 1867(d) to authorize CMPs against physicians who are on call to specialty hospitals and who fail or refuse to appear within a reasonable time to provide patients with medical screening examinations or stabilizing treatments.

Sec. 111. Expansion of Criminal Penalties for Kickbacks.

Section 111 amends to section 1128B authorize the imposition of criminal penalties upon persons violating federal anti-kickback provisions with respect to private health care benefit programs. This section also authorizes the Attorney General to bring civil actions in U.S. District Courts to impose civil penalties and treble damages upon those violating anti-kickback provisions with respect to Federal health care programs. Nothing in this bill is intended to diminish the existing authority of any agency of the U.S. Government to administer and enforce the criminal laws of the United States.

Part B—Provider Enrollment Process

Sec. 121. Requirements to Disclose Employer Identification Numbers (EINs) and Social Security Numbers (SSNs).

Section 121 amends sections 1124 and 1124A to authorize the Secretary to require Medicare providers and suppliers to provide social security numbers (SSNs) and employer identification numbers (EINs) for their practices and for any owners or managing employees. The Social Security Administration will be required to verify and correct the SSNs and EINs supplied under this requirement.

Sec. 122. Fees for Agreements with Medicare Providers and Suppliers.

Section 122 amends section 1866 to authorize the Secretary to charge fees to individuals and entities for costs relating to their enrollment and reenrollment as Medicare providers or suppliers.

Sec. 123. Authority to Refuse to Enter into Medicare or Medicaid Agreements with Individuals or Entities Convicted of Felonies.

Section 123 amends sections 1866(b)(2) and 1842 to authorize the Secretary to refuse to enter into, or to terminate or refuse to renew, a contract or agreement for the provision of health care items or services under Medicare with a person or entity that has been convicted of a felony. This section amends section 1902(a)(23) to give State Medicaid agencies authority to deny provider agreements to persons or entities convicted of a felony.

Sec. 124. Fees and Requirements for Issuance of Standard Health Care Identifiers.

Section 124 amends section 1173 to authorize the Secretary to condition the issuance of standard unique health care identifiers to individuals and entities furnishing health care items and services (as provided for by section 262 of HIPAA) on (1) provision of the individual's or entity's SSN or EIN and (2) payment of a fee to cover the Secretary's costs of issuing the identifier.

TITLE II—PROVIDER REIMBURSEMENT AND RELATED MATTERS

Part A—Coverage and Payment Limits

Sec. 201. No Home Health Benefits Based Solely on Drawing Blood.

Section 201 amends sections 1814(a)(2)(C) and 1835(a)(2)(A) to eliminate the simple drawing of blood from a homebound individual, without the need for other skilled nursing services, as a qualifying event for Medicare home health benefits.

Sec. 202. Monthly Certification for Hospice Care after First Six Months.

Section 202 amends section 1812(a)(4) to require monthly (rather than a one-time) recertification of a hospice Medicare patient as terminally ill after the patient has received hospice services for over 6 months.

Sec. 203. Payment for Home Hospice Care on Basis of Geographic Location of Home.

Section 203 amends section 1814(i)(2) to provide for Medicare payment of hospice care furnished in an individual's home based on the geographic location of the home (rather than of the hospice).

Sec. 204. Limitation on Hospice Care Liability for Individuals Not in Fact Terminally Ill.

Section 204 amends section 1879(g) to provide that Medicare beneficiaries (or hospices) do not have to pay for hospice care based on an incorrect diagnosis of terminal illness if the beneficiary (or hospice) did not know, and could not reasonably have been expected to know, that the diagnosis was in error. As is the case under current practice for other situations involving waiver of liability, a beneficiary has a favorable presumption of ignorance, while a provider of services does not.

Sec. 205. Medicare Capital Asset Sales Price Equal to Book Value.

Section 205 amends section 1861(v)(1)(O) to set the value of a capital asset (as recognized by Medicare) at the time of change of ownership at the book value of the asset. The section also applies this valuation to providers of services other than hospitals and skilled nursing facilities, and eliminates obsolete language referring to a return on equity capital.

Sec. 206. Repeal of Moratorium on Bad Debt Policy.

Section 206 repeals section 4008(c) of the Omnibus Budget Reconciliation Act of 1987, which prohibits the Secretary from making changes in the requirements governing Medicare payment for the bad debts of hospitals.

Part B—Bankruptcy Provisions

Sec. 221. Application of Certain Provisions of the Bankruptcy Code.

Section 221(a) adds a new section 1143, which provides that (1) the automatic stay of actions during the pendency of bankruptcy proceedings does not apply to actions by the Secretary or a State with respect to participation in Medicare or Medicaid, including actions relating to program exclusion, CMPs, recovery of overpayments, and denial of claims; (2) debts owed to the United States or to a State for an overpayment (except for an overpayment to a beneficiary) or a penalty, fine, or assessment under Medicare, Medicaid, or title XI are not dischargeable in bankruptcy; and (3) repayment to the United States or to a State of a Medicare or Medicaid debt, or for penalties, fines and assessments with respect to a debtor's participation in Medicare or Medicaid are considered final and not preferential transfers under the Bankruptcy Code.

Section 221(b) adds a new section 1894, which provides that (1) bankruptcy courts must use Medicare rules for determining whether claims by a debtor under the Medicare program are payable, and the allowable amounts of such claims; (2) the notice to creditors required under the Bankruptcy Code must be provided, in the case of Medicare debt, to the Secretary rather than a fiscal agent; and (3) a claim for payment under Medicare cannot be considered a matured debt payable to the bankruptcy estate until allowed by the Secretary.

TITLE III—MEDICARE MENTAL HEALTH PARTIAL HOSPITALIZATION SERVICES

Sec. 301. Services not to be furnished in residential settings.

Section 301 amends section 1861(ff)(3)(A) to eliminate payments for partial hospitalization services in an individual's home (including an institutional setting).

Sec. 302. Additional Requirements for Community Mental Health Centers.

Section 302 amends section 1861(ff)(3)(B) to require community mental health centers, as a condition of receiving payments for partial hospitalization services, to serve a substantial number of patients who are not eligible for Medicare benefits, and to meet additional conditions the Secretary may specify concerning the health and safety of patients, or for the effective or efficient furnishing of services.

Sec. 303. Prospective Payment System.

Section 303 amends sections 1833 and 1866 to authorize the Secretary to develop a prospective payment system for partial hospitalization services. The system is to provide for appropriate payment levels for efficient centers and is to take into account payment levels for similar services furnished by other entities. Beneficiary coinsurance is limited to 20 percent of the new payment basis.

TITLE IV—MEDICARE RURAL HEALTH CLINICS

Sec. 401. Per-Visit Payment Limits for Provider-Based Clinics.

Section 401 amends section 1833(f) to extend the current per visit payment limits applicable to independent rural health clinics to provider-based clinics (other than clinics based in small rural hospitals with less than 50 beds).

Sec. 402. Assurance of Quality Services.

Section 402 amends section 1861(aa)(2)(I) to require clinics to have a quality assurance and performance program as specified by the Secretary.

Sec. 403. Waiver of Certain Staffing Requirements Limited to Clinics in Program.

Section 403 amends section 1861(aa)(7)(B) to limit the current authority for the Secretary to waive the requirement that a clinic have a mid-level professional available at least 50 percent of the time. The waiver will be applicable only to clinics already providing services under Medicare, and not to entities initially seeking Medicare certification.

Sec. 404. Refinement of Shortage Area Requirements.

Section 404 amends section 1861(aa)(2) to refine the requirements concerning the area in which a clinic is located. First, the section requires triennial recertification that requirements are met. Second, the Secretary has to find that there are insufficient numbers of needed health care practitioners in the clinic's area. Third, clinics that no longer meet the shortage area requirements will be permitted to retain their designation only if the Secretary determines that they are essential to the delivery of primary care services that would otherwise be unavailable in the area.

Sec. 405. Decreased Beneficiary Cost Sharing for RHC Services.

Section 405 amends sections 1861(aa)(2) and 1833(aa)(3) to lower beneficiary coinsurance for RHC services to 20 percent of the per visit limit.

Sec. 406. Prospective Payment System for RHC Services.

Section 406 amends sections 1833 and 1861(aa)(2) to require the Secretary to develop a prospective payment system for rural health clinic services (to go into effect no later than 2001). The system may provide for adjustments for excessive utilization, and is to be updated annually. Initially the system is to result in aggregate payments approximately equal to those under current law. Beneficiary coinsurance is limited to 20 percent of the new payment basis.

WEDDING OF JASON SCOTT STELE AND MICHELLE FAYE LAWRENCE

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PASCRELL. Mr. Speaker, I would like to bring to your attention the momentous occasion of Jason Scott Stele's and Michelle Faye Lawrence's wedding on Saturday, May 31, 1997. The wedding took place in Carmel, IN at the Indianapolis Hebrew Congregation.

Jason was born on October 1, 1974, in Livingston, NJ to Kenneth and Sharon Stele of West Orange. He was educated at West Orange High School and attended Purdue University where he received his bachelor of arts in psychology. A graduate student, Jason received his master of science degree in psychology from George Mason University.

Jason managed to garner numerous awards and distinctions throughout his collegiate career. Among his top honors are membership in Phi Beta Kappa National Honor Society, Golden Key National Honor Society, and Psi Chi National Psychology. Included with this impressive list of accolades is Jason's graduating with distinction—within the upper 5 percent of his class—and making the dean's list.

Michelle was born on December 30, 1973, in Carmel, IN, to Herman and Diane Lawrence. She was educated at Carmel High School and also attended Purdue University, earning her bachelor of science degree in mathematics education. Michelle also managed to garner numerous awards and distinctions, among them being membership in the Golden Key National Honor Society, Kappa Delta Pi National Education Honor Society, and the National Council for Teachers of Mathematics. Included with this list of impressive accolades is Michelle's membership in the Alpha Phi Omega National Service Fraternity and making the dean's list.

Jason and Michelle met while both were attending Purdue University. Jason was set up on a blind date with Michelle by Kristen Cooper, a friend of theirs in the Purdue Marching Band. The two were soon engaged, and were wed on May 31, 1997.

Mr. Speaker, I ask that you join me, our colleagues, and Jason and Michelle's family and friends, in recognizing the momentous occasion of Jason Scott Stele's and Michelle Faye Lawrence's wedding.

CELEBRATING 25 YEARS OF AFRICAN-AMERICAN ENTREPRENEURIAL EXCELLENCE

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. CONYERS. Mr. Speaker, I rise to pay tribute to the African-American entrepreneurs featured in "Black Enterprise" magazine's June 1997 cover story honoring six "Marathon Men," who have lead their companies to perennial presence on that magazine's list of the top 100 black-owned businesses nationally. They include Nathan Conyers of Detroit, a Ford dealer; John H. Johnson of Chicago involved in publishing, cosmetics and broadcasting; Herman J. Russell, a general contractor from Atlanta; Edward Lewis and Clarence Smith, New Yorkers engaged in publishing, licensing and entertainment; and Earl G. Graves, Jr., a magazine publisher also of New York City. All have demonstrated a unique blend of faith, determination, patience, perseverance, and just plain guts that have made their businesses successful through the years.

THE 25 YEARS OF BLACK ENTREPRENEURIAL EXCELLENCE

NATHAN G. CONYERS, PRESIDENT, CONYERS RIVERSIDE FORD, INC.

When auto industry executives at Ford Motor Co. in Detroit went looking for a few good men to start a dealership to quell an economically disenfranchised, predominantly black inner-city, they found one in the Conyers family. The patriarch, John Sr., had spent his working life along the Chrysler assembly line, and his successful lawyer sons, John Jr. and Nathan, were ready to plunk down the needed capital to get the cars rolling.

But willingness isn't enough. When Conyers Ford appeared on the original BE 100, then comprised of both industrial service companies and auto dealers, it was one of 13 dealerships. Today, it's the only one left from that first list, making it the oldest black-owned auto dealership in the country. It has been a school of hard knocks, pings and repairs, but the engine is still running strong.

Conyers, who assumed responsibility for the dealership in a coin toss with his brother John Jr., the congressman, says there are four vital elements that will give a business, any business, better opportunities for success: location, capitalization, an understanding of the business and a commitment to becoming part of the community you serve.

"For many black dealers, the location was not viable and the auto manufacturers put them in ares that they couldn't put whites," he says of the black dealers lost over the years. "It was a problem to get capital at competitive rates 25 years ago, and it's still a problem today. And, if you're not in the right location, that's compounded." Also, many dealers go through a manufacturer's dealer development program, "often coming from other businesses," only to be offered a store in a locale that they know little about in a community that knows little about them—points three and four.

Conyers admits his company started at a time when government entities were more inclined to promote minority businesses. He fears those days of government support and private partnership are limited.

On the flip side, he explains African Americans can do very well under that kind of pressure. "If you increase the odds, it increases the will to succeed." But he cautions this will come at a price: more successful black-owned businesses in the future, but fewer of them.

Conyers has mastered the "art of the soft sell." It is just those qualities that have helped him build a loyal clientele. Part of our mission statement says, "We're here to serve and earn the business of our community and customers." It's a credo he stresses to everyone keep before them.

Conyers says the other part of his corporate mission is to train new dealers. To his credit, that mission has spawned 35 African American dealers, many of whom are women, who've moved out of his shop and into their own dealerships.

Besides those 35, he's training five children, two sons and three daughters, to take over all facets of the business. His eldest son, Steven, is general sales manager. Daughter Nancy is the business manager for new cars, and son Peter is business manager for used cars. Another daughter, Susan, is the former Quality Commitment Performance manager. Daughter Ellen is an attorney, handles contracts and collections and is currently waiting to get into a dealer training program to buy her own store.

A quiet pride exudes from his eyes; the legacy continues. "The issue of succession is a whole new issue for black businesses now that we have them in some number." Conyers says he and his family have been working on a plan for the past five years. "I have qualified one of my children to be on the dealer agreements so that if something happened to me, they could step into the business," he explains.

He has also virtually ruled out selling the business. 'We've always said no because we've put too much of our blood, sweat and tears into this," he asserts.

Equally important to Conyers is that more African Americans pick up the banner of entrepreneurship moving into the 21st century. 'We need to convince our best and brightest that getting into business for themselves is the thing to do. Before, it was getting a factory job, then into the professions—teachers, government workers—then into the corporate world. Now we need to look at the entrepreneurial world."

JOHN J. JOHNSON, CEO, JOHNSON PUBLISHING CO.

When John H. Johnson started the Negro Digest 55 years ago, it was the predecessor of what would become Ebony magazine, which would spawn Jet, and this would lead to other, now defunct, spin-offs. But those failures would lead to his most recent successes—Ebony Man, and Ebony South Africa, which marked the company's foray into international publishing. Along the way, Johnson bought and sold three radio stations, started a book publishing division and produced the former syndicated television show, Ebony/Jet Showcase, and now produces the annual American Black Achievement Awards for television, which first aired in 1978. Johnson also created two beauty care lines—Supreme Beauty Products and the world-renown Fashion Fair Cosmetics.

While he is loath to consider himself an old man at 79, Johnson had run the gauntlet for some 30 years before the first BE 100s list was ever published. When it was, he was listed second only to Motown Industries. For that, he's the veteran iron man in black-

owned business—always fighting, always finishing at the top among the BE 100s companies. But like most, he's faced his share of hurdles.

"The first 25 years were difficult, trying to get circulation and to break through in advertising to get large companies to recognize that black consumers had money and would respond to advertising directed to them," Johnson says. 'The first 20 years or so in business, we couldn't get a bank loan. Even the largest businesses in the world need bank loans at some time or must have some other way to access capital."

The second 25 years have been easier. Johnson has seen the company mature, circulation double, start new businesses and change the method by which its flagship properties are handled. 'You have to meet the new challenges [of the 21st century], so in 1993, we took all three magazines—Ebony, Ebony Man and Jet—desktop. Now we can send them to the printer via e-mail, and in South Africa, it's the same thing," explains Johnson.

The legendary publisher says the hurdle for black businesses in the next 25 years will continue to be the same—"money, money, money," he scoffs. But if you have the staying power and wherewithal, that is assuming you have a good product and market to sell to, you'll be successful." Johnson's mission over these next years is to see the company survive and grow. To do so, he says that he will take advantage of all new opportunities and embrace new technology to get there. "Never say never about new things," advises the venerable publisher.

Johnson has no plans to retire. "I enjoy myself, I don't work. When you love something, it's not work. I don't know anything that gives me the same amount of pleasure." But he began putting a succession plan in place when he brought daughter Linda Johnson Rice on board. "I see her playing an increasing role in the management of the company and myself, a lesser role, but never disassociated," says Johnson of his daughter who is now president of the company. "Parents never give up their children, and this is my child," he adds.

He also has no plans to sell his company or take it public. And he says his daughter couldn't agree more. "I could sell it and get a lot of cash, but I don't see that I could do anything else that would bring me as much fulfillment as this. I've spent 55 years being my own boss; I'm too old to have another.

"If you go public, the stockholders, the board of directors, the SEC (Securities and Exchange Commission) are all your bosses and you've got to listen to them," he says. "We only have three board members: Linda, her mother [Eunice Johnson] and I. Linda will succeed me. Even now, I don't do anything that she doesn't agree on, and she me. There's a mutual love and respect, so it's a joint venture now."

HERMAN J. RUSSELL, CEO, H.J. RUSSELL & CO.

Herman Russell says he started on the entrepreneurial path as an eight-year-old shining shoes. He has his own paper route by 10 and bought his first piece of real estate for $125 at 16. That real estate deal became the base of the H.J. Russell Construction Co., buying and developing real estate and working as a major minority contractor on most projects built south of the Mason-Dixon line. Post-'60s and after the hotbeds of the riots, there were 10 construction firms on the original BE 100s list. Forty years later, Russell's company is the only one left from the original list, one of the few black-owned construction firms on the current list, and the largest minority-owned general contractor in the U.S.

"You must make a decision early about what you want in life," says Russell, whose dad taught him to save something out of everything he made. "The competition is keener now and you have more qualified people competing for the jobs," he explains.

Russell says the biggest hurdle to staying in his line of business, ironically, has not been capital, but training and developing the people he needed for the jobs, and then getting them to stick around. "Most people are not willing to wait or to pay the price as an individual to develop. When you do, you have more to bring to the table," he explains.

Russell has spent the time developing both his company and his craft. But even when the first list was launched, Russell Construction was a seasoned business. Many of Atlanta's neighborhoods have residential homes and commercial buildings that Herman Russell has worked on. And when it came time to build a new municipal airport under then first black mayor, Maynard Jackson, Russell, a neighbor, was poised and primed for the roughly $19 million job. He was also a primary subcontractor on projects during last summer's Olympics in Atlanta.

It's these blue-collar jobs that proved to be the foundation of black middle-class America and the early source of black economic progress. Russell says that emphasis is now missing—to African Americans' detriment. "There's a generation now that when they were coming along, we didn't emphasize the trades, only white-collar jobs, and we missed the boat. You don't have to have a white-collar job to be successful in life," he adds. "When I walk out on a construction job and it's 25% Latin Americans working all phases of the job, I'm concerned. I remember when I was serving my apprenticeship, most were black Americans, but we don't see that today."

Going forward, Russell has tried to prepare his children, H. Jerome Russell, president/chief operating officer and head of the housing and property management division, and Michael Russell, vice president and manager of the construction division, to take over the company's reigns. But he says they're not quite ready to take on the challenges of a firm with international projects and consulting on many more. To wit, he's brought in an outsider to get the firm over his progeny's learning curve. In November 1996, Russell appointed R.K. Sehgal chief executive officer and vice chairman to report to him as chairman of the board.

"They're working me harder, and there's more to do now with the new CEO getting lots of my input, but as the months go by, I'm hoping to go from 14- to eight-hour days and have more time for myself," Russell says.

Like his CEO/chairman counterparts, Russell says he wouldn't sell his company outright, but confesses that one day, it will go public, probably soon. "I'm almost sure the family will keep the majority share of it, but we'll probably go public within five years." With its diversified holdings, including construction and management, property and real estate management and development, and airport concessions, it would make an attractive IPO. But whatever happens, Russell says "whoever becomes the next CEO must be prepared to take on and carry on the business."

EDWARD LEWIS, CEO, PUBLISHER CLARENCE SMITH, PRESIDENT ESSENCE COMMUNICATIONS INC.

When the Hollingsworth Group (now Essence Communications Inc.) launched its magazine for black women in May 1970 with a portrait-sized closeup of a brown-skinned woman wearing a high, round 'fro, nothing could have shaken the publishing world and white and black America more. Twenty-seven years, two less partners and four editors-in-chief later, co-founders Edward Lewis and Clarence Smith have pushed Essence Communications Inc. (ECI) from a magazine to a diversified brand name synonymous with African American womanhood.

On the publishing front, there's its flagship property, Essence magazine; then there's Income Opportunities, a general market magazine targeted to start-up businesses; and two years ago, it started Latina, a magazine aimed at the Hispanic women's market. There's a licensing division with a collection of items from eyewear and hosiery to children's books and a mail-order catalog. Finally, there's its entertainment division, which once produced a weekly syndicated television program and now focuses on an annual awards show and three-day festival.

Success has been manifest, but not without a tough start. "We thought we'd be a lot further," says Smith, president of ECI. "We didn't anticipate how much resistance there would be by marketers to an African American women's magazine," he says. Just getting out of the starting block posed challenges. "We had a business plan that called for $1.5 million in capital; we opened with $130,000," adds CEO Lewis.

Smith says they underestimated the struggle it would take for not only cash and advertisers, but even newsstand space. "We also had to overcome the inexperience of not running our own businesses before. We learned that we could do with less," explains Lewis.

Start-up pains and racism aside, the key to the company's growth has been its diversification, pushing the balance sheet upwards. But to remain successful into the next decade, the company "must be leaner, nimble and able to take advantage of opportunities globally to continue to grow," says Lewis. "There will be more opportunities to expand this brand, especially in West and South Africa, and this will continue to be the direction the company heads in," adds Smith.

To that end, ECI still faces a number of challenges, namely financing for future projects. "There are absolutely more avenues, but it is still difficult for small and minority businesses to get the capital they need. And with the mergers taking place in banking, these banks are not geared to small business; we're going to have to seek out other banks and venture capitalists for money," Lewis says. While neither partner has plans to sell the company, neither would rule out that option. "Anything's possible," added Lewis, "but we have to see how the world is conducting business and be mindful of our shareholders' interests."

The other cornerstone is developing the company's next generation of leaders. While neither partner would say whether they have a succession plan, Lewis has no children and Smith's two sons are not involved in the day-to-day affairs of the company. But that has not stopped them from tapping the talent of the company's limited partners and employees, most notably, its highly recognized and respected editor-in-chief, Susan L. Taylor.

Lewis says he doesn't see himself running the magazine daily in 25 years. "We intend to encourage others and prepare middle managers to move forward and run this business. Black women will continue to be in the forefront."

Adds Smith: "I think we have one of the best-known brands in the world and the future for our shareholders, associates and employees is very, very good."

EARL G. GRAVES, CEO, EARL G. GRAVES LTD.

Imagine—or remember—the surprise many Americans, black and white, got after the disturbances of the '60's when they opened their mailboxes during those hot, hazy summer days of August 1970 and found a copy of Black Enterprise magazine. Inside, publisher Earl G. Graves had assembled a prestigious board of advisors made up of black leaders in business and politics of the day addressing the question, "Why Black Enterprise?" It put the civil rights movement into perspective—now that we've got the right to vote, would we be free to pursue a slice of the American economic pie?

Fast forward three years. Graves decided it was time to quantify and qualify the kind and size of black businesses in America and produced the first Black Enterprise 100, listing the top 100 black-owned businesses in the United States.

In a letter to his father on the Publisher's Page of the June 1973 issue, Graves wrote: "We have arrived at a point in history where we can identify thousands of black-owned and black-controlled businesses—many still embryonic and still struggling for survival—that have been and are being established across this country. These are humble beginnings. But they are significant."

Fast forward again to 1997 and Graves, now older and a lot wiser, reflects on the early years. "I was trying to run a business myself, while telling others what they needed to know about trying to start or run their businesses," he says. "It was like being the teacher and reading five chapters ahead of the class, like a student-teacher."

Assisting him in the process was his wife Barbara, who gave up her job as a teacher to help her husband pursue his goal. The magazine set out to tell readers "how to" do it. In the process, its circulation has grown from a controlled subscriber base of 100,000 to a current list of 300,000 and 3.1 million readers.

Along the way, Graves bought and sold two radio stations and a marketing research firm, and established another division of the company, Black Enterprise Unlimited. This new brand is responsible for the Entrepreneurial Conference and the B.E./Pepsi Golf and Tennis Challenge. He also entered into partnership with PepsiCo to purchase Pepsi-Cola of Washington, D.C., L.P., a soft drink bottling franchise, and is a general partner of Egoli Beverages, L.P., a Pepsi-Cola franchise in South Africa.

In the process, the magazine has set standards of professional and entrepreneurial achievement with its lists of the 25 Best Places for Blacks to Work, 40 Most Powerful Black Executives, and Top 25 Blacks on Wall Street, while coining vernacular like BUPPIE (Black Urban Professional) and Kidpreneur ™.

But many of the challenges posed to black businesses and professionals in 1972—access to capital, corporate glass ceilings, disparities in service and the perceived value of the African American market and its dollars—remain in place today. "Since I wrote that letter to my father 25 years ago, we've made enormous progress, but not enough has changed," Graves points out.

For the man with the signature mutton chop sideburns, knocking on closed doors and inviting himself in, much like Fred. "The Hammer" Williamson did in his films, Graves has called on corporate America to give equal access to African Americans in banks, boardrooms and businesses.

"The challenge in the next 25 years is to eradicate the stereotype of us as the underclass," he says. "America is the greatest country in the free world. Our best history is in front of us if we are willing to accept the reality that African Americans must share in its bounty." To wit, Graves has served on many corporate boards, most recently, AMR (the corporate parent of American Airlines), Aetna, Chrysler Corp., Federated Department Stores Inc., and Rohm & Haas Corp.

Unlike some of his entrepreneur peers who have not outlined a clear succession plan for their businesses, Graves has, "The future bodes well for us because business is really people—the people you have handling it—and our young people are good," he says, referring to a list that includes his three sons, Earl "Butch" Jr., executive vice president/COO of Black Enterprise magazine; John, senior vice president business ventures and head of B.E. Unlimited; and Michael, vice president/general manager of Pepsi-Cola of Washington, D.C.

Graves anticipates developing more new lines of business. He foresees Kidpreneuer ™, a development program for budding entrepreneurs ages five to 18 held during the annual Entrepreneurial Conference, growing into something significant that might lead to other lines of business. "We are also looking at a line of financial services that will assist in the growth and development of black-owned businesses," he says. "And, I hope to see the expansion of the Pepsi franchise, which is doing very well, through more franchising area contiguous with where we are or somewhere else."

While he hasn't relinquished his seat yet—"retire," he laughs, "I'll never be fully retired"—day-to-day operations have been turned over to his sons and other senior officers. Instead, Graves plans on continuing in a broader fashion by shifting his attention from running his businesses to focusing more on his corporate and volunteer activities. Currently, he serves as a trustee on the board of Howard University, the board of directors of the Associates of Harvard University's Graduate School of Business, and as vice president of relationships/marketing on the executive board of the National Office of the Boy Scouts of America. He also helped to raise $1 million for his alma mater, Morgan State University, which has renamed its business school the Earl G. Graves School of Business and Management. And, says the grandfather of six, "Barbara, my wife of 37 years and former vice president/general manager, and I will be spending more time with our grandchildren and skiing six months a year."

But asking an activist to stop being active for the causes he believes in—education, enterprise and opportunity—is no easy feat. "Some of our businesses are reaching a level where we'll be overcoming just basic business obstacles—developing a market and building market share. Getting these economic business issues resolved in another 25 years will be a struggle, but we must make it happen."

TRIBUTE TO FATHER DEMETRIOS KAVADAS

HON. DAVID E. BONIOR

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. BONIOR. Mr. Speaker, today I would like to honor Father Demetrios Kavadas as he celebrates 40 years in the priesthood and 35 years of service as the protopresbyter of the Assumption Greek Orthodox Church in St. Clair Shores, MI.

Father Kavadas was born and raised on the Island of Chios, Greece, before coming to America and entering the priesthood. As a young man, Father Kavadas was a serious student who placed enormous value on education. He graduated from high school summa cum laude, was a Fulbright Scholar, and attended Tufts University, College of the City of New York, Holy Cross Greek Orthodox Theological Seminary, Harvard University, and Boston College. But it was his dedication to God and helping others that prompted him to become a priest.

On July 7, 1957, Father Kavadas was ordained to the priesthood. At age 25, he became the pastor of St. George Greek Orthodox Cathedral of Manchester, NH. In 1977, Father Kavadas moved to St. Clair Shores where he became the pastor of Assumption Greek Orthodox Church.

Over the past 40 years, Father Kavadas has been a leader in the orthodox faith through involvement in the department of Religious Education of the Archdiocese, member of the Diocesan Spiritual Court, vice president of the National Presbyters, and the list goes on and on. He is a kind pastor who has been a dedicated writer, spiritual leader, and educator.

Throughout the years, Father Kavadas has touched the lives of many people. He has provided emotional, educational, and spiritual support. I would like to congratulate Father Kavadas as he celebrates his 40 years in the priesthood and wish him and his family all of the best.

TRIBUTE TO MARY NORRIS, OPP'S TEACHER OF THE YEAR

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. EVERETT. Mr. Speaker, today, I would like to pay tribute to an outstanding woman, teacher, and citizen. Mary M. Norris of Opp, Alabama was awarded the Opp Chamber of Commerce Teacher of the Year Award for 1997.

Mary Norris has been serving and contributing to our community as a teacher for the past 26 years. I would like to commend her on her commitment to educating our children and strengthening our Nation.

However, the Chamber of Commerce Teacher of the Year Award is not the only area in which Mary Norris has been recognized for her outstanding work. She has also received the South Highland's Teacher of the Year Award, as well as the WSFA–TV's Class Act Award. She has also served as the Science, Reading, and Math Curriculum chairman and has been a participant in the Space Camp for Teachers.

I would like to thank Mary Norris for her active involvement in the field of education. She is not only aiding our children, but she is helping the community as a whole.

TRIBUTE TO THE RIZZA FAMILY

HON. WILLIAM O. LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. LIPINSKI. Mr. Speaker, today I pay tribute to the Rizza family, who are members of the Old Neighborhood Italian American Club in my district, who have given a great amount of their time and energy to improving the community. This family is truly deserving of this special honor and I am pleased to have such a shining example of community service in my district.

The generosity of the Rizza family to their community is shown in so many ways. For the past 16 years the Rizza family has donated over $47,000 worth of automobiles for the Old Neighborhood Italian American Club Christmas Raffles. The donations that they have made have funded the Annual Anti Drug and Alcohol Seminars which are held every year for participating school children in third through eighth grades. Additionally the Rizza family donations have funded the annual breakfast with Santa. Finally the Rizza family has made donations of computers, software, and other school related items to their community.

Mr. Speaker, in today's world we don't very often hear of such a giving, community oriented family as the Rizzas. They truly exemplify what all that is good in my district. I wish the Rizza family all the best and hope that they continue their benevolent values.

BICENTENNIAL OF MAISON LOUIS LATOUR

HON. PETER DEUTSCH

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. DEUTSCH. Mr. Speaker, I rise today to recognize the bicentennial celebration of Maison Louis Latour of Beaune, France. Since the winery was first established back in 1797, seven generations of Louis Latours have succeeded to the head of the family business. Over these 200 years, the Latour family has become known throughout the wine industry as a prominent leader in the trade. Through the ingenuity and leadership of the Latour family, Maison Louis Latour has achieved remarkable success throughout the world and in particular in the United States.

Since the beginning of the 17th century, the Latour ancestry has been grower, cooper and wine merchant in Aloxe-Corton, the famed vineyard region in the heart of the burgundy countryside. In the mid-18th century, Louis Latour built up the family business and established himself in Beaune as a "negociant en vins fins," shipper of fine wines. Within a few years, he owned 15 hectares of the best vineyards in Aloxe-Corton.

Today, the Latour estate consists of 125 acres—a collection of vineyards stretching from the appellations of Chabertin and Romanee Saint-Vivant in the Cote de Nuits to Chevalier-Montrachet in the Cote de Beaune. The family continues to run the company and remains true to the local, loyal, and constant traditions of burgundy.

Having been represented in the United States since before the turn of the century, Maison Latour, in 1985, established an American subsidiary, Louis Latour USA Inc. This company has helped generate jobs not only at the subsidiary, but also for professionals working with Louis Latour across the United States in the distribution and marketing of their fine wines.

In addition to the celebration of their bicentennial, I commend Louis Latour on their recent admittance into the exclusive Henokiens Club, a renowned international club of family run businesses. Louis Latour met the criteria that allows them to be members of this club, namely, a company that is in sound financial health, a company that has been in business for at least 200 years, and, a company that continues to be run by members of the original family.

I congratulate Louis Latour on being one of the oldest names and most prestigious in burgundy. The completion of 200 years of history without an unbroken line from father to son is something exceptional. I wish you the best on this remarkable occasion and know that you will continue to make the wine industry proud for generations to come.

AN AMERICAN MUSICAL SALUTE DEERFIELD BEACH HIGH SCHOOL BAND

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. HASTINGS of Florida. Mr. Speaker, I rise to recognize the accomplishments and achievements of the Deerfield Beach High School Concert and Jazz Band. Under the direction and guidance of Mr. Dean Calmer and with the assistance of Deerfield Beach High principal, Dr. Joe Melita, these young people have illustrated skill accompanied by an unyielding work ethic and commitment. As a result of their perseverance, the Deerfield High Band became the only musicians selected from the State of Florida to participate in the "American Musical Salute to DC" which commemorated the 75th anniversary of the dedication of the Lincoln Memorial. The band preformed superbly and represented the State of Florida in an honorable fashion. Mr. Speaker, I ask my colleagues to join me in recognizing the achievements of the Deerfield Beach Concert and Jazz Band, and the young people involved who in an era of violence and disparity have still managed to remain focused and as a result make beautiful music.

HONORING THE LITTLE HAITI HOUSING ASSOCIATION, INC.

HON. CARRIE P. MEEK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mrs. MEEK of Florida. Mr. Speaker, I rise to congratulate Little Haiti Housing Association, Inc. [LHHA], for its receipt of the *Maxwell Award of Excellence* from the Fannie Mae Foundation. Mr. David Harder, executive director of LHHA accepted the award Tuesday, May 20, during the foundation's ninth annual awards ceremony.

The Fannie Mae Foundation recognized LHHA for its scattered site home ownership project which is a model for the Nation. The program renovates abandoned houses that have become havens for drug dealers and redevelops vacant lots used as trash dumps. Between July 1995 and June 1996, the project successfully renovated 10 homes and built 1 new home. Since the project's inception in 1987, LHHA's dedicated workers renovated or built 48 homes, thus enabling 48 families to become homeowners.

Mr. Harder regards LHHA as more than a housing program; it is, "a tool to restore stability in communities." LHHA's contribution to that philosophy is illustrated by the array of services offered to homeowners and persons qualifying for home ownership.

LHHA designs services and programs to strengthen members of the Dade community. Home buyers complete the association's 8-week home ownership training program. Classes are offered in Haitian-Creole, Spanish, and English. LHHA also offers classes in English for Speakers of Other Languages; post-purchase counseling; the banking system; citizenship preparation; and job skills training.

Mr. Speaker, I applaud the work of Executive Director Harder and his team, Jules LaBossiere, president of the board of directors and Jacques Saint-Louis, assistant director. Their tireless efforts to provide safe affordable housing to this community in Dade County is much appreciated. Little Haiti Housing Association, Inc., sends a strong message to drug dealers and others, that we will take our communities back.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. HARRIS W. FAWELL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

The House in Committee of the Whole House on the State of the Union had under consideration the concurrent resolution (H. Con Res. 84) establishing the Congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002:

Mr. FAWELL. Mr. Chairman, I rise in strong support of the balanced budget agreement, embodied in the budget resolution. For the first time since I came to Congress, in fact for the first time since 1969, we shall hopefully balance the Federal budget under a 5-year plan. While I would prefer a balanced budget for fiscal year 1998, nevertheless this is a blueprint which if followed by subsequent Congresses and the President, will finally result in a balanced budget in 2002. This agreement also provides for significant tax relief that will

allow working Americans to keep more of their hard earned dollars and it takes significant steps to restrain the growth of entitlement spending. Of particular importance, it will insure that Medicare will remain solvent for another 10 years.

The budget compromise we consider today is, however, by definition imperfect. It was achieved through laborious and lengthy negotiations that were conducted by congressional leaders and the President. Both sides made compromises and had to give up points that were of great importance to them. I for one would have liked to see greater efforts at reforming entitlements and deficit reduction. However, the nature of compromise requires that both sides give up goals that they value highly, in order to achieve something of even greater value. The road to a balanced budget agreement is unquestionably of such great value.

Tinkering with the terms of the agreement may potentially cause the entire budget deal to collapse. An amendment offered by Congressman SHUSTER, which would designate that moneys taken from the transportation trust fund should go towards increased transportation spending, is basically sound. But it would upset the carefully balanced terms that were agreed to by congressional leaders and the President. I do oppose the practice of using taxes levied for an express purpose—such as taxes levied for transportation purposes—for uses other than the purpose for which such taxes were levied. In this case however, I reluctantly oppose the Shuster amendment, which would disrupt the carefully negotiated terms of the budget agreement, potentially leading to the collapse of the entire agreement. The amendment also would take moneys from education, defense and other important spending priorities. If adopted, the Shuster amendment would have reduced defense spending by $5.65 billion, education by $980 million, criminal justice by $510 million and housing and child health programs by $860 million.

While it is not perfect, the balanced budget agreement represents an important step toward ultimately having Congress pass annual balanced budgets. It is therefore an important first step in finally eliminating annual deficits and moving Congress towards a reduction of our Nation's large national debt. I therefore urge Members to join in support of the bipartisan budget agreement.

TRIBUTE TO THE BEACHWOOD BOROUGH VOLUNTEER FIRE CO. NO. 1 ON THEIR 75TH ANNIVERSARY

HON. JIM SAXTON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SAXTON. Mr. Speaker, on June 7, 1997, the Beachwood Borough Volunteer Fire Company No. 1 will celebrate its 75th anniversary.

Beachwood, NJ, established in 1917, is a sleepy hamlet located on the Toms River far removed from the hustle and bustle of the Jersey Shore tourist area. The residents of Beachwood have a long history of being friendly, open, and giving to those in need within their community. Nothing exemplifies this more than the volunteers who have given their time to help Beachwood fight fires within the town.

Firefighters serve a unique and extremely important role in our society. Many of us take the duties performed by volunteer firefighters for granted. Each day, these individuals put their lives at risk in order to protect the public from tragedy.

What is unique about volunteer firefighters is that they protect us without any financial compensation. Across the country, almost 90 percent of the firefighters are volunteers. These volunteers spend many hours away from their families and jobs in order to protect us and our families. They do not fight fires for financial rewards. They fight fires for the love of their community.

It is for this reason, Mr. Speaker, on behalf of the residents of Beachwood, I would like to thank the brave volunteers of the Beachwood Borough Volunteer Fire Company No. 1 for their service to their community and congratulate them on their 75th anniversary.

RECOGNIZING MICHAEL T. GONZALES ON THE OCCASION OF HIS RETIREMENT AFTER 30 YEARS OF DEDICATED SERVICE TO THE MONTEBELLO POLICE DEPARTMENT

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize Montebello Police Captain Michael T. Gonzales on the occasion of his retirement after 30 years of dedicated service to the community of Montebello.

Captain Gonzales was born in Los Angeles, CA, and attended St. Alphonsus Elementary School, Eastmont Junior High School, and Montebello High School. He earned his bachelor's degree in public administration from the University of La Verne, and began his career in law enforcement with the Montebello Police Department on July 24, 1967, as a police officer. He quickly rose through the ranks, becoming sergeant on January 1, 1974, assigned to the Training Unit; lieutenant in the Patrol Division on March 24, 1987, captain on December 18, 1988; and served as bureau commander for both the Support Services Division and Field Services Division.

Through his guidance and leadership, Captain Gonzales was instrumental in the formation and implementation of the department's explorer program in 1971. He also served as coordinator for the Montebello police reserve officer program from 1977 through 1987, and as a member of the advisory committee of the Commission on Peace Officer Standards and Training [POST] since 1979. Throughout his career, he has represented the California Association of Police Training Officers with distinction, and has demonstrated leadership and diligence in his service as chairman of the POST Advisory Committee. Additionally, he served as State and local president for the California Association of Police Training Officers, and as a member of the Hispanic American Police Command Officer's Association, the Boy Scouts of America's Exploring Program, and was executive vice president of the California Asian Peace Officer's Association.

Captain Gonzales has received numerous awards and commendations throughout his distinguished career in Montebello law enforcement. He is a role model for our community, and serves as a model officer for his colleagues in law enforcement. I proudly ask my colleagues to join me in honoring Montebello Police Captain Michael T. Gonzales as he retires from 30 years of dedicated service to the Montebello community.

A TRIBUTE TO FAITH AND JONATHAN COOKLER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SHERMAN. Mr. Speaker, it is with great pleasure that I rise today to honor an extraordinary couple who has given an abundant amount of their precious time and energy to forwarding the ideals of community service and education. I join our community in honoring Faith and Jonathan Cookler.

Faith and Jon have dedicated themselves to the preservation of Jewish ethics and family values. They have served Abraham Joshua Heschel Day School in many capacities promoting Judaic education in a community school setting. In doing so they have strengthened our community's values at its roots.

Zohar wrote in the Talmud that "Each man should aid his fellow man according to his talent." The Cookler's exemplify this ideal by promoting Jewish values through their own strengths. Jon serves as the capital funds vice-president utilizing his financial and fundraising expertise while Faith serves as the executive vice-president employing her organizational talents, each serving the community in his or her own unique way.

In addition to supporting Jewish foundations in the local community, Faith and Jon have also dedicated their services to broader regions. Faith has been deeply involved with the Anti-Defamation League serving as president of the Pacific Southwest Regional Board and as president of the Women's Division. Jon has also served the greater community through his work on the Boards of Valley Beth Shalom Synagogue and the Pacific Southwest Region of the Anti-Defamation League.

As Faith and Jon's Congressman I am deeply honored to recognize them for their dedication to our community. I congratulate them on their successes thus far and wish them luck in the future.

AMERICAN DREAM CHALLENGE AWARDS

HON. JAMES P. McGOVERN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. McGOVERN. Mr. Speaker, Dr. Irving A. Fradkin and the Committee of the Citizens Scholarship Foundation of Fall River, MA, have initiated and nurtured an educational movement that has benefited children not only in my own Third Congressional District of Massachusetts, but throughout the country. By working with individuals and businesses in a community, scholarships are presented to children that will motivate and enable them to go to college. These children, who are students in elementary school, promise to adhere to good behavior and high scholarship. They take a pledge to do their best in school and to take advantage of the opportunities of a good education. They promise to respect their classmates and teachers and to learn about and appreciate different religious and ethnic backgrounds. They pledge to stay away from drugs, violence, and weapons of any kind. They volunteer to perform service in their communities and to be caring and responsible young citizens. Certainly these are the actions and values we would like to instill in our children.

I would like to enter into the RECORD letters of commendation from President Clinton and Secretaries Riley and Shalala praising the American Dream Challenge Scholarship Program. I am also pleased to include essays from elementary school children who live in the southern part of my congressional district and who are participants in this program. They have written about how education has shaped their dreams of the future and I believe their words should inspire as all.

THE WHITE HOUSE,
Washington, January 3, 1996.

Dr. IRVING FRADKIN,
American Dream Challenges, Citizens Scholarship Foundation of America, Fall River, MA

I am delighted to commend the participants and supporters of the American Dream Challenge scholarship program.

Education is one of the most effective tools that individuals can use to create a brighter tomorrow for themselves and for our nation. By studying hard and working to improve their school communities, young Americans can look forward to the time when their generation will help to lead this country.

Initiatives like the American Dream Challenge emphasize the importance of a good education, encouraging young people to invest in their future by preparing for college and exciting career opportunities. I commend the program's supporters for your dedication to helping young people fulfill their dreams, and I wish the scholarship recipients every happiness and success.

BILL CLINTON.

U.S. DEPARTMENT OF EDUCATION,
Washington, DC, May 18, 1997.

To the Participants in the American Dream Challenge, Fall River, MA.

It is a pleasure to greet the students participating in the Fall River American Dream Challenge. I am grateful for this opportunity to emphasize to you how important it is that you meet the challenge by staying in school and striving for excellence.

As President Clinton has said, "The fight for education is the fight for the American Dream." Through your academic efforts, you are working toward realizing that dream for yourselves. As I hope you have discovered, although you may face many obstacles in your achievement of that dream, you may overcome those obstacles through hard work and dedication.

As our world becomes more complicated and our economy more competitive, education becomes more and more important. I commend you for resolving to stay in school, stay out of trouble and work hard to excel academically. However, education today must not end with high school graduation. The constantly changing demands of new technologies and of the world economy mean that for today's citizens education must be a lifelong endeavor. I hope that you will use your scholarships to continue your studies after your graduate.

America is counting on each of you to make a special contribution to our nation. By being here today, you have taken an important step toward making this contribution. I commend you for setting your sights high and wish you all the best as you strive to reach the goals you have set for yourselves.

RICHARD W. RILEY.

THE SECRETARY OF HEALTH AND HUMAN SERVICES,
Washington, DC, April 3, 1996.

Dr. IRVING FRADKIN,
American Dream Challenge,
Fall River, MA.

DEAR DR. FRADKIN: I appreciated receiving information about the American Dream Challenge Program. As you know, the education of our youth is of great concern to me, especially as we look at new ways to break the cycle of poverty and give our children a strong foundation for the future.

I commend the efforts of your program to motivate and inspire our youth and provide them the opportunity to participate in higher education. Also, I commend the students who participate in the program. Their commitment to excellence and their achievements in this program surely will inspire other young people.

The Fall River Chapter of the Citizens Scholarship Foundation has a long-standing track record of helping young people finance their education. Initiatives like the American Dream Challenge program reflect the commitment of the organizers to education, and promoting access and excellence in education.

My best wishes for your continued success.

Sincerely,

DONNA E. SHALALA.

[From Fowler Elementary School; Feb. 14, 1997]

WHAT MY FUTURE WILL BE LIKE

(By Alicia Fernandes)

In the future I would like to become a Pediatrician. I would like to do that because I enjoy working with children.

When I get older I am going to try my best to get through high school successfully. When I graduate I would like to go to Harvard or Yale. I was even considering going to a university in Florida. When I go to college I am going to become a Pediatrician.

I am going to be smart. I am going to keep my head clear. I will not smoke, drink, or do drugs. Also, I will not ruin my education by having children while I am still in high school. I will have a good education, good job, before I have children. I will have children when I have a good job, a good education, when I am settled down and ready to support myself plus a child.

Until then I'm going to go to school to get a good education and have a good life. I am not going to make the mistakes some people make. I don't want to throw my life away, I want to be able to get up everyday to go to high school without having to call a baby sitter. I want to have a good educational life and I will because I am setting my mind to it. While I am writing this I am thinking about my future, me and all my friends standing on a stage in our caps and gowns while the principal of our school gives a speech and then he says it "The Class of 2993" then there is a big round of applause and we receive our diplomas and a few months later I'm packing my bags for college.

As I think to myself I did it! I am so proud!

HOW I CAN USE MY EDUCATION TO MAKE A BETTER AMERICA

(By Andrea M. Dias, 4th grade, Doriare School)

The people today that are lawyers, teachers, sales people, doctor, and other jobs. The only way them people achieved there goals is because they went threw elementary school, middle school, high school and collage. They worked hard and stuff and got a great education. Also an education doesn't only make you achieve your goals and make you smart but also makes you a better and kind person. There are also people today who dropped out of school and did get an education and now those people regret and think about what a bad desision they made, thats why some of them went back to school and tried to get an education. So if your still a kid like me and you have a goal dream. One of the ways you'll get it is if you have an education. So I'll tell you right now! Believe in your dream, go for it! If your not that good at school and you want to get a good education then just keep on trying and trying until you get better and better. Say your goal was to be a teacher and you achieved it. You won't only get an education you'll be helping someone else get a education and achieved there goals and you'll be proud of your self for what you have done. Just remember the people who achieved there goals they have a education. Don't give up. I know you can get an education. Because if I can try you can try too. Go and achieve your goal!!!

WHAT I WANT TO BE WHEN I GROW UP.

(By Meghan Bissonnette, 6th Grade, Healy School)

Today I'm young, a few more tomorrows and I will be going off to college. I must start thinking of what I want to do with my life. Many other children may not care, but I do, I think this is important. If I don't start now, who knows where I could be 10 years from now.

After I finish college, I want to join the World Peace Conference. That is my life long dream. President William Clinton has inspired me the most. If I am chosen to join the World Peace Conference, I shall help the world stop fighting, and learn to help one another.

Also, I have a back up plan. If I am not elected to the World Peace Conference, I'll become a veterinarian; so if I can't help out people, I'll help out animals. This way I shall

be happy. I'll always try my best. Nothing will stop me. I'll never do drugs, smoke, or do anything that will harm my body. This way I will be safe from harm.

If I ever inherit money, I'll make sure to donate it all to poor, homeless people, sick animals, and charity, this way the money will not go to waste. I'll never give up. I'll be strong and carry on. My dream for peace, fairness and equality will never die, neither shall my hope, or spirit.

HOW EDUCATION CAN HELP ME MAKE A DIFFERENCE

(By Natalie Moore, Grade 6, Atlantis Charter School, Fall River, MA)

I'm a child of the future generation of adults and if I don't get an education I can't help change the world and the bad things in it.

I want to be like Martin Luther King, Jr. or Chico Mendes and make a difference; not necessarily the same way as them, but in my own way. I want to be a judge when I get older. I want to take the people selling drugs, and murderers, off the street. I want to stop the violence and abuse in and outside of homes. But if I don't have an education this won't happen, because it takes a lot of studying, hard work—and I'll have to go to school.

So many children are so scared of what's going to happen to them when they go home from school, or who they are going to fight, that they don't pay attention in school. And that's sad because if they grow up with abuse and violence then that will be what their children grow up with and this world won't change. I want that to be something that will change, so I am going to go to school and try to influence as many other people to go to school. And when I get older I WILL make the biggest difference I can.

FOSTERING A BETTER UNDERSTANDING OF THE CHEMICAL INDUSTRY

HON. TOM DeLAY

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. DELAY. Mr. Speaker, my colleague, JOHN TANNER and I serve as the chair and vice chair of the Advisory Committee to the Chemistry and Technology Forum. The Chemistry and Technology Forum was recently established to foster a better understanding of the chemical industry among the general public and public officials. The Forum sponsors events and produces studies intended to improve the quality and quantity of information on industry issues available to the public and the Government. In doing so, the Forum believes that it will encourage the development of sound public policy and debate on the issues affecting the industry and the public it serves.

Recently the Forum heard a presentation from Mr. J. Lawrence Wilson, the chairman and CEO of Rhom and Haas Co. and the chairman of the Chemical Manufacturers Association on international trade and the chemical industry. Mr. Wilson points out that since 1993 chemicals have been the largest U.S. export sector and that exports have doubled in the past 5 years to more than $60 billion. Today, 1 out of every 10 U.S. export dollars earned comes from chemical sales. Every billion dollars in export sales creates or preserves 4,000 jobs. Access to the markets of Asia and Latin America are key to this industry's future and renewal of "fast track" authority is a competitive necessity.

I am entering Larry's speech in today's CONGRESSIONAL RECORD and encourage Members of Congress, particularly those with substantial chemical employment in their districts', to read the speech.

INTERNATIONAL TRADE—WORKING HARD TO STAY AHEAD OF THE GAME

I'm pleased to be here this afternoon because it gives me another opportunity to talk about my favorite subject—the U.S. chemical industry.

Those here today already know about the contribution this industry makes to the U.S. economy—and to the world economy, for that matter:

The chemical industry: Provides essential building-block products used by every sector of the manufacturing economy, and by most of the service economy; is high-tech and internationally competitive; provides high-paying, stable jobs; is a multi-billion dollar sponsor of research and development; and is a leader in health, safety and environmental protection.

And this business is so dynamic that the chemical industry of today did not even exist 20 years ago.

All of this is no surprise to you—but these facts are surprising to many of your colleagues who are not here today. In my experience, I've found some congressional representatives regard the chemical industry as "ancient." Perhaps even "outdated." Some even regard us as a bargaining chip to be used in the international trade wars.

That's why I'm so pleased that Congressman Tom DeLay of Texas and Congressman John Tanner of Tennessee have taken leadership roles in this Forum—and that you all have demonstrated your interest and support of the chemical industry by taking the time to come today. On a personal note, I would like to acknowledge that both men represent states where some of Rohm and Hass Company's largest facilities are located.

Congressman DeLay has the added distinction of having both personal and business experience in the chemical industry.

INTERNATIONAL TRADE

The chemical industry is the nation's most powerful, most successful international competitor. Ten years ago, exports accounted for 10 percent of our total shipments. Today, that number stands at a little over 16 percent. Exports are beginning to drive our growth.

Many people believe the global economy is entering a new Golden Age. Jeffery Sachs, the noted Harvard economist, recently said we have reached an important historical moment in time. He says global economic growth "will raise the living standards of more people, in more parts of the world than in any prior time in history."

Some economists are predicting world growth rates will average an astounding 4 percent a year for the next 20 years.

I'm proud to say that American companies are leading the way. Bill Lewis, CEO of the respected McKinsey Company, says, "U.S. firms have developed the best practices over the greatest range of industries." This is certainly true of the U.S. chemical industry!

The U.S. is the world's largest producer of chemicals, accounting for almost one-fourth of total world chemical production.

Chemical exports have doubled in the past five years to more than $60 billion.

One out of every ten U.S. export dollars earned comes from chemical sales.

And, since 1993, chemicals have been the largest U.S. export sector, running ahead of agriculture and far ahead of the aircraft industry.

Exports create American jobs. In 1986, the chemical industry employed 1.02 million people. In 1996, the number stood at 1.04 million—in jobs that wages that are one-third higher than the average wages for all of manufacturing. In a time of downsizing and restructuring, and of maturing markets in the developed world, the U.S. chemical industry has preserved and strengthened high-paying, high-tech jobs for more than a million people.

The ability to compete internationally has been critical to our success. It's likely you've heard this statistic before, but it remains true: Every billion dollars in export sales creates or preserves 4,000 jobs.

And the U.S. chemical industry has not sealed itself off from international competition or opportunity. Quite the contrary—we are active players in every part of the globe. Three years ago, 201 U.S. chemical companies operated a total of 3,050 foreign affiliates. These foreign investments create demand—and pipeline—for U.S. technology and products. And the sales made by these affiliates help underwrite the research and development necessary to continually renew and strengthen U.S. competitiveness.

MAINTAINING OUR NUMBER ONE POSITION

Every developing nation wants to build its own chemical industry—to support their growing manufacturing industries, to add value to their raw materials and to create a technology base that will improve the quality of life for citizens today and in the future.

These nations will move to meet these needs—with or without the U.S. chemical industry. Today's chemical industry is global, and there are plenty of competitors from Europe and Japan who will compete with us to establish footholds in these developing countries.

The U.S. chemical industry today is vibrant and strong—but success is not a given. Our ability to succeed must be nurtured and encouraged. The competitive environment gets tougher, while the margin for error gets smaller. In the past, companies might have been free to raise prices to cover miscalculations, or could have relied on their reputation to become the sole source supplier—but no longer.

The old markets—the developed world of Europe and Japan—are where we cut our trading teeth and built trade surpluses. But they are not the growth markets of the future.

Asia and Latin America are our future. Why? Because within these regions, 11 countries hold more than two-thirds of the world's population. And these economies are growing at astounding rates—double or triple the economic rates of the U.S.—and they will continue at these rates for the foreseeable future! Yet today, just 13 percent of the total chemical industry investment abroad is located in these countries.

AN AGENDA FOR ACTION

These growth markets also are the very same markets that have the highest degree of protectionism in the form of tariff and non-tariff barriers. The U.S. has done a great job of tearing down trade barriers and unlocking closed economies—but we still

have more to do if we are to level the international playing field. We need your help.

For starters, we need Congress to renew "Fast Track" authority to allow the President to negotiate future trade agreements. Expansion of free trade agreements in which the U.S. is a partner is a competitive necessity!

This is especially true in Latin America. Having seen the benefits of free trade sparked by NAFTA, Latin American countries are moving quickly and aggressively to form strong regional pacts. These include MERCOSUR, which includes the Southern Cone countries led by Brazil, and the Andean Pact, which includes the East, Central and Northern Tier of South America.

Yet we also see another trend developing—one that is somewhat alarming. The Latin American regional pacts I just mentioned are forming agreements and having discussions with Europe and Japan. All of this can and will lead to preferential trading status for these countries—more preferential than U.S. status.

Here's just one example of what this can mean to the bottom line from my own company, Rohm and Haas. If MERCOSUR enters into a free trade with the European Community, monomer exports from our plant in Houston, Texas will be taxed at a 14 percent rate of duty. Product coming to Latin American from European-based companies will be taxed at duty rates of between 0 and 2 percent. At that point, the options for Rohm and Haas will be limited—either lose customers or be forced to build a brand-new plant within the Latin American free trade zones. Can you imagine what impact that might have on the economic health of our existing world-scale production facilities in the United States?

The U.S. cannot afford to sit on the sidelines! We must have Fast Track trade negotiating authority.

THANK YOU FOR YOUR SUPPORT AND ENCOURAGEMENT

Many chemical companies have restructured in order to compete. In fact, it's fair to say that this industry has been through a decade-long makeover. We have taken the steps needed to become a force a global markets.

The legislative and regulatory process, along with our conduct of foreign affairs, must keep pace in order to help U.S. businesses maintain their number one, leading position. That means that government must be knowledgeable, nimble and involved in the international arena.

There will be some companies—and some nations—who will be forced to drop out of this race because they cannot compete. I can tell you that we in the chemical industry are working hard to stay at the top. We won't let up. You can help by shaping our country's international and trade agenda. We are ready to work with you toward that end.

You can tell by my accent, that I was raised in the South. I also was raised to be polite and to say thank you when you have asked someone to join with you in completing a task.

So today I say "thank you" on behalf of the U.S. chemical industry—for what many of you have already done—and for the actions you will take to help us remain a vibrant, growing, dynamic part of this economy and this country.

THE 15TH ANNIVERSARY OF THE WESTERN QUEENS GAZETTE

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. MANTON. Mr. Speaker, I rise today to recognize the 15th anniversary of the Western Queens Gazette, a weekly community newspaper that serves Queens County, in the State of New York.

Mr. Speaker, the first edition of the Gazette was published on January 27, 1982. At its inception, the Gazette was a modest, 12 page weekly community newspaper. Today, the Gazette averages 80 pages weekly with a circulation of close to 100,000 for a single edition.

Under the direction of its Publisher/Editor Tony Barsamian who has owned the Gazette since 1990, the paper has expanded the geographic region it serves as well as its news features. The Gazette now serves the Queens neighborhoods of Astoria, Ditmars, Dutch Kills, East Elmhurst, Hunters Point, Sunnyside, Woodside, Laguardia Airport, Long Island City, Jackson Heights, North Corona, Ravenswood, Roosevelt Island, Steinway, East Flushing, and Bayside.

In New York City, the media capital of the world, there is a wide variety of news outlets for New Yorkers to choose from. However, to get quality, local community-based reporting residents of Queens turn to the weekly pages of the Western Queens Gazette. The Gazette covers the important issues facing residents of Queens on the national, state, and city level with a particular focus on neighborhood news. The Gazette brings attention to the neighborhood news that is often overlooked by the daily newspapers.

The Gazette has regular weekly news features including community reporting, insightful editorials, op-ed pages, a religious column, political profiles, the local police blotter, sports, community calendars dining and entertainment reviews, legal notices, and complete classified ads.

In their own words, the Western Queens Gazette is "Dedicated to bringing our readers a vital locally oriented view of the News." Indeed, the Gazette effectively brings this local view of the news to their readers every week of the year. The Gazette is community reporting of neighborhood news at its very best.

Mr. Speaker, I know my colleagues join me in congratulating Tony Barsamian and everyone associated with the Western Queens Gazette on the joyous occasion of its 15th anniversary of publication.

NATO EXPANSION CANNOT BE LIMITED

HON. GERALD B.H. SOLOMON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SOLOMON. Mr. Speaker, I have just returned with the U.S. congressional delegation led by Congressman DOUG BEREUTER from attending a meeting of the North Atlantic Assembly, the parliamentary arm of the NATO alliance, that took place over the just concluded congressional recess. There we discussed with parliamentary representatives from all of our allied countries the need to enlarge NATO in order to ensure its continued success without drawing any lines that would exclude additional countries from future enlargement. In fact, Mr. Speaker, if and when any of the former Communist and Soviet dominated countries meet the criteria to become eligible for NATO, which include irreversible democracy, a commitment to free market principles and the rule of law, respect for human rights and liberties, and a military that's interoperable with NATO forces, they should be extended an invitation for full and open membership in the alliance.

In that vein, Mr. Speaker, I would like to draw your attention to the remarks delivered by Congressman BEREUTER at the plenary session of the North Atlantic Assembly. His comments are right on the mark in emphasizing that the first tranche of NATO enlargement, with invitations set to go out to a handful of countries this summer at the Madrid Summit, can in no way close the door on invitations to other countries. I have said and stand by my assertion that should we exclude those countries who miss the first round of enlargement, NATO will fail. I urge you and all Members of the House and the Senate to carefully read Congressman BEREUTER'S speech, the rationale for continued enlargement, continued peace and prosperity in Europe, is laid out in crystal clear terms.

NAA PLENARY STATEMENT BY REP. DOUG BEREUTER, JUNE 1, 1997

Mr. President, North Atlantic Assembly colleagues, we can say with conviction and satisfaction that the argumentation about whether NATO will expand is behind us. Now the questions indeed are who and how. In less than forty days, at the July 8–9 summit in Madrid, NATO will invite several countries—probably between three to five—to launch accession negotiations with NATO. As the Just-Goss report of the Political Committee notes, "five countries seem to be on a short list of possible invitees (the Czech Republic, Hungary, Poland, Romania, and Solvenia)", but another eight countries regard themselves as candidates. Undoubtedly there will be more.

At Yalta lines were drawn across the face of Europe which have lasted more than fifty years. In a different way they still do exist. My colleagues, by our actions we must say: no more lines—never again. We must seize the opportunity to bring those countries east and southeast of the NATO alliance countries to join in our collective defense alliance when they qualify. If we assure, as we must, that the first countries offered NATO membership are not the last and that other qualified countries' NATO membership are not unduly delayed. Then we do not replace the infamous Yalta lines with new ones. Under an open-door, dynamic expansion procedure there are no new lines drawn between Russia and NATO—not even lines excluding Russia itself. The Baltic nations, Ukraine, and other countries will not be neglected for NATO membership. The door to membership is open to one and all. The unprecedented fifty-two years of European peace can be extended in time and eventually all across the face of Europe. And by mutually beneficial

and selfless action the Europeans can and should supplement our NATO protective umbrella by offering these new NATO members full membership in the European Union as soon as possible. The NATO security blanket and the economic integration through the EU together are the lasting answers to the quest for peace and prosperity in Europe. It is also the way to contain, it not eliminate, the ethnic, social, religious, and national animosities that so tragically scar our civilization. Another Bosnia, or another Holocaust, need not happen!

Indeed we citizens of NATO countries have reason to take pride and great satisfaction that the criteria we have established for PFP and NATO membership have, in the applicant countries, already settled national boundary disputes and ethnic conflict and discrimination, advanced democracy and pluralism, fostered civilian control of the military, developed confidence-building measures, gained greater transparency in military budgets, and created greater out-of-area interoperability for out-of-area operations for peacekeeping or against aggression as in Albania or Kuwait. More advances will come as applicants continue to strive for NATO membership. In fact, the events of the last week between NATO and Russia at the very dawn of NATO expansion suggest that it may bring us increasingly together for even more understanding, cooperation and trust. Rather than the dire results predicted in Russia if NATO expands, it well could be the dawn of a new and better day.

Of course, the decision on which countries will be in the first wave of expansion must be followed by the unanimous ratification in our sixteen NATO countries. The debate in our parliamentary bodies and nations will probably have heightened fervor as the reality of action is in sight. Arguments about the costs of expansion to NATO countries will certainly rage, especially in light of the exaggerated and erroneous assumptions made by those who do not understand that the same infrastructure, nuclear weapons deployment, and out-of-country military deployment of NATO troops we find in the current NATO "front-line states" are not needed in the new NATO countries.

But, then after the budget issues are raised in America and in every other NATO country, the crucial item of debate and the answer demanded by our respective constituents will, as one respected American Democratic Senator said, be this plaintive question: "Congressman, why are you willing to send my son (or my husband) to protect Poland?" His answer was this: "Madam, taking Poland into NATO makes it less likely, not more likely, that your son will fight and die in a conflict on the Polish border." I agree! That is the argument all of us in the NATO 16 must and can make.

Finally, and on a much different level of specificity, I feel compelled to advance to case of first-round membership in NATO for Slovenia even though the Madrid Summit is fast approaching. The "Visegrad three" seem a cinch for membership and Romania is pressing its case very aggressively, with vocal support among one or more countries and among numerous organizations, experts, and opinion leaders. Because Slovenia has until recently been almost entirely forgotten, and nearly unknown in my country, because its independent status dates only back to 1990, because its military formation and modernization was delayed by the arms embargo for the Bosnia conflict, and because the U.S. Senate leadership added Slovenia to the list of the "Visegrad three" countries after earlier House action, I took ten of my House colleagues to Slovenia on week ago for several days of intensive examination of their case.

(We also visited the country temporarily known in some international organizations as the Former Yugoslav Republic of Macedonia, or Macedonia as they prefer. They too strong desire NATO membership and they are energetically seeking to meet the criteria. We note with satisfaction their progress and praise their commitment and determination.)

However, on the case of Slovenia, my colleagues in the Assembly, I speak for the enthusiastic and unanimous or near-unanimous view of my House delegation colleagues—Slovenia deserves first-round membership in NATO. Indeed an objective examination of the Slovenians case would probably show that they better meet the criteria than any other applicant country. Indeed, nobody can really argue that Slovenia doesn't meet the criteria. Slovenia's case has simply been largely neglected. I know of no reputable opposition to Slovenia. This country is in the "well-I-guess-I-don't-know-any-reason-why-they-shouldn't-be-a-member" category. They simply have lacked a major proponent among NATO countries. In fact, however, we House members feel we can objectively advance their case because we have no special American benefit or relationship with Slovenia and we have no big ethnic constituency in our country as we do in the cases of Poland or the Czech Republic.

Because my time is brief I will in capsule form list only a few special reasons for Slovenian membership:

1. First and foremost, again, they meet the membership criteria—perhaps better than any other candidate.

2.While the costs of enlargement will be a factor in ratification debates in NATO countries, Slovenia has the financial capacity and commitment to meet its military costs—again better than any other candidate.

3. Slovenia has never been and will not be considered by Russia to be a threat against it—it's membership will be an example or proof that NATO expansion is not simply hostility directed at Russia. It's acceptance by NATO will only recognize as one nation's effort to enhance its security against any threat by joining the Alliance. (A NATO expansion won't be seen as a finger pointed against Russia, but an open hand that it can grasp.)

4. Slovenia's admission on the merits of its case and not as part of any grand "horse-trading scheme, bargaining chip," or "political quid pro quo" will reassure all applicants and would-be applicants that their cases will be decided by the Alliance on the merits—by objective standards.

5. Slovenia's admission will serve as an incentive for action and a model to follow for the now independent parts of what was Yugoslavia, and indeed for all of the countries of the Balkans or southeastern Europe.

6. Finally, at a time when NATO is faced with a terrible dilemma in Bosnia, recent and perhaps prospective combatants in Croatia and Serbia, with potential threats to Macedonia, and with Albanian ethnic difficulties stretching from Kosovo to Albania itself, Slovenia as a NATO member would be a good source of counsel, and potentially of mediation, in those grave controversies.

My colleagues, that is the short list of reasons why it must not be too late to wake up to Slovenia's case for first-round NATO membership—strictly on the merits of its case and because of the advantage of NATO itself. Our House delegation will make its case to our colleagues in Congress and to the Clinton administration. We strenuously urge all of your to consider and make this case, too, in your own respective countries. Slovenia deserves first-round membership and it has a unique position and circumstances to strengthen NATO now!

CONGRATULATING EAGLE SCOUT AARON JAMES MYERS

HON. GEORGE W. GEKAS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. GEKAS. Mr. Speaker, it gives me great pleasure to join with so many others in congratulating Aaron James Myers for his achievement of the Eagle Scout Award from the Boy Scouts of America. Aaron began his Scouting career in 1985 as a tiger cub with Pack 202 of Chambers Hill, PA. During his years as a Boy Scout he has earned a total of 24 merit badges and attended Philmont, the National Boy Scout High Adventure Program in New Mexico. He has held the positions of quartermaster, senior patrol leader, troop guide and junior assistant scoutmaster. He also earned the religious award for the Catholic faith—Ad Altare Dei.

Currently, Aaron is a member of the Order of Arrow in the rank of Brotherhood. He is also an adult Assistant Scout Leader. He will be a senior at Central Dauphin East High School in the Fall of 1997 and plans to attend college and major in environmental science. He is also a member of the Central Dauphin East High School wresting team, an avid canoeist, and an accomplished guitarist.

This multitalented young man received the Eagle Scout Award on February 4, 1997. His Eagle Project consisted of painting the concession building, bleachers, and a general cleanup of Crest Baseball Field, Swatara Township, Dauphin County, PA.

Please join me in congratulating Aaron Myers. He should be commended for this fine effort and encouraged to work with other youth to take such an active interest in the community in the future.

BETTER PHARMACEUTICALS FOR CHILDREN ACT

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. WAXMAN. Mr. Speaker, I rise today to join my colleague, JIM GREENWOOD, in sponsoring H.R. 1727, the Better Pharmaceuticals for Children Act. I support this bill because it focuses on a serious but little known problem in our children's health care, and can provide some additional tools to address it.

While dramatic progress has been made in the treatment and cure of diseases and chronic illnesses, it cannot be said today that our children have fully benefited from this innovation. As increasingly sophisticated medicines are developed, the knowledge needed to optimally treat children with these medicines has

not kept pace. In crucial ways, our understanding of how to use these drugs for children is simply inadequate.

According to the American Academy of Pediatrics and the Food and Drug Administration [FDA] only a minority of prescription drugs in the United States with potential pediatric uses are actually labeled for use by children. Since 1962, 80 percent of all drugs have been approved for adult use with an explicit disclaimer that they are not approved for use by children. This is because the research necessary to prove the safety and efficacy of these pediatrics uses is not being done, either before or after the drugs are marketed. Despite widespread recognition in Government, industry, and academia of this problem, little progress has been made to correct it.

I firmly believe that the FDA has been remiss in not taking action to conclusively remedy this situation. The agency has statutory authority to encourage and require the performance of pediatric clinical studies. It should exercise that authority and take every possible step to ensure that new drugs with potential pediatric uses are approved on the basis of data demonstrating safety and efficacy in both adults and children. The Government's failure to act in this manner is unacceptable and we pay for such a failure in our children's health.

It is also imperative to recognize that prescription drug manufacturers already have significant incentives to pursue research, development, and regulatory approval in the form of patent protection and other forms of market exclusivity. Much of the responsibility for the absence of adequate pediatric drug information today can be laid at their feet.

However, I recognize that limited additional incentives may be appropriate in some instances to promote pediatric drug research, such as for some drugs which are currently marketed. It is my hope, however, that such incentives are only necessary in supplementing the FDA's use of existing statutory authority to ensure that adequate information is available about pediatric drug uses.

H.R. 1727 would help improve and increase the information available about pediatric drug uses by providing additional market exclusivity as an incentive to prescription drug manufacturers in limited situations. Under the bill, the Secretary of Health and Human Services would determine whether a new drug might provide health benefits for pediatric populations, and have the authority to request that pediatric studies be conducted by the manufacturer to establish these benefits. Upon completion of these studies and their acceptance by the Secretary, the manufacturer would be granted an additional 6 months of market exclusivity.

I am sure that many parents would be disturbed to learn that, when their infants and children receive a prescription medicine, there may not be clinical studies establishing the safety and efficacy of that treatment in children. In conjunction with independent and decisive steps by the Food and Drug Administration [FDA], I believe the Congress can change this situation for the better. H.R. 1727 can help do that, and that is why I am cosponsoring it today.

ARIZONA SMALL BUSINESS PERSON OF THE YEAR

HON. JOHN B. SHADEGG

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SHADEGG. Mr. Speaker, this week Arizona celebrates Small Business Week and honors one of its outstanding performers in the small business area. On June 6, Rhonda McKenzie, president and CEO of McKenzie Telecommunications Group, Inc. [MTG] will be honored as the SBA 1997 Arizona Small Business Person of the Year at the Small Business Week Awards Luncheon at La Posada Resort in Scottsdale.

Rhonda used her 20 years of technical, managerial, and sales experience in the telecommunications industry to build a company which generated over $8.3 million in revenues last year. Founded in 1993 with McKenzie as the sole employee, MTG, Inc., provides total turnkey site development services to telecommunications companies throughout the Nation. Today, MTG has 125 employees in five States—California, Florida, Colorado, Nevada, and two locations in Arizona.

The primary services MTG provides include identification of suitable real estate for the construction of client systems; representing clients at zoning hearings and community meetings; coordination of all geotechnical and environmental studies; development of construction feasibility studies; and construction and management services.

MTG is recognized as fourth in the Nation among site development companies. Its clients are among the industry giants: AT&T Wireless, Sprint Spectrum, PCS PrimeCo, Pacific Bell Mobile Services, and Nextel.

Small Business Week is celebrated annually throughout the Nation by Presidential proclamation. Each year, SBA names one outstanding entrepreneur in each State and territory: from this group the national Small Business Person of the Year is chosen.

Selection criteria for Small Business Persons of the Year are: First, staying power—a substantial history as an established business; second, growth in number of employees—a benchmark to judge the impact of the business on the job market; third, increase in sales and/or unit volume—an indication of continued growth; fourth, current and past financial reports substantiating the improved financial position of the business; fifth, innovativeness of product or service offered; sixth, response to adversity; and seventh, evidence of contributions by the nominee to aid community-oriented projects through the use of personal time and resources.

Small business is the backbone of the American economy. In Arizona, 99.5 percent of our over 407,000 businesses have fewer than 100 employees. These are the companies that provide the growth in jobs and the vitality for our State. It is in these places of work where American dreams are made. I congratulate Rhonda McKenzie for making her American dream come true and for her well-deserved accomplishment in achieving Arizona's Small Business Person of the Year.

TRIBUTE TO ANDREW A. HERNANDEZ, THE 1997 NATIONAL VETERAN SMALL BUSINESS ADVOCATE OF THE YEAR

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. BROWN of California. Mr. Speaker, each year for the past 34 years, the President of the United States has issued a proclamation call for the celebration of Small Business Week. I believe this celebration of Small Business Week, which is held from June 1–7 this year, recognizes its crucial impact on our economy and society. As we pay tribute to our Nation's entrepreneurs, I would like to take this opportunity to recognize an exceptional veteran businessman from my district, Mr. Andrew A. Hernandez, who has been named the 1997 National Veteran Small Business Advocate of the Year. We must never forget that small business is the engine that drives our economy and its people such as Mr. Hernandez that will continue to make America No. 1. He is an inspiration to small business persons not only in my congressional district, but also across the country.

Mr. Andrew Hernandez, president of Arid Construction Technologies, Inc., in San Bernardino, and a resident of San Bernardino, has been named the 1997 National Veteran Small Business Advocate of the Year by the U.S. Small Business Administration. He was nominated for the award for his work in assisting veterans. Mr. Hernandez is a founding member and the current president of the California Disabled Veteran Business Enterprises Alliance, a nonprofit organization established to assist and support disabled veterans. He was instrumental in securing procurement goals from the California Public Utilities Commission of 1.5 percent, and from the county of San Bernardino of 3 percent, which translates into over $70 million being targeted for DVBE's.

Mr. Hernandez has dedicated a substantial amount of his own time and money lobbying for the advancement of DVBE's at both the State and national levels. He also serves on the county of San Bernardino's Contract Compliance Advisory Board, which has the responsibility of overseeing the county's efforts to increase procurement opportunities for women, minority and disabled veteran business enterprises. In 1995 he created a DVBE plan room at Arid Construction which receives plans and specifications from public and private agencies at no charge. This allows DVBE companies to increase the number of projects they can bid on since their capital will not be tied up in plan deposits.

Last year Arid Construction Technologies Inc. was also recognized by the U.S. Department of Commerce Minority Business Development Agency as the 1996 Minority Construction Firm of the Year for seven southwestern States. Originally specializing in the waterproofing trade, the company has expanded into general contracting as well with emphasis on the design-build and construction of child care centers.

Through his company, Mr. Hernandez has demonstrated support for the local community

by renovating a building located in an older section of town and participating in a community service project each year. These have included the repair of the exterior of a children's museum, the cleaning and sprucing up of the city's memorial to war veterans, and the sponsorship of a team for the March of Dimes Walk-a-Thon. Mr. Hernandez also sponsors youth sports teams.

In being named the 1997 National Veteran Small Business Advocate of the Year, Mr. Hernandez set an example of dedication, integrity, and innovation which makes him a role model for small business persons in the United States. I am very pleased to have Mr. Hernandez being honored this week. It it my hope that he will serve as a model not only for other business men and women in my congressional district, but also entrepreneurs nationwide. In closing, Mr. Speaker, I wish Mr. Hernandez all the best in his future endeavors and I hope that others will follow the sterling examples he has set for all small businesses.

SISTER JACQUELINE BURNS: LED THE COLLEGE OF ST. ELIZABETH INTO A NEW ERA

HON. RODNEY P. FRELINGHUYSEN

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. FRELINGHUYSEN. Mr. Speaker, today I rise to pay tribute to Sister Jacqueline Burns, S.C., upon her retirement as president of New Jersey's oldest Catholic college for women, the College of St. Elizabeth at Convent Station, Morris Township. During her tenure, Sister Jacqueline has expanded the college's mission while retaining its focus on offering quality educational opportunities to young women in a Catholic environment. Sister Jacqueline has been successful in launching Saint Elizabeth's into the 21st century while retaining the values that have made the college a treasured institution since 1903.

A New Jersey native, Sister Jacqueline has devoted more than 50 years to Catholic higher education. In 1946, she became a member of the Sisters of Charity of St. Elizabeth and earned a bachelor's degree in history from the college in 1957. She continued her education at the Catholic University of America in Washington, DC, earning a master of arts in 1963 and a doctorate in history in 1967. Upon returning to New Jersey, Sister Jacqueline began a 30-year career at her alma mater culminating with her appointment as president of the College of St. Elizabeth in 1981.

Sister Jacqueline Burns recognized early in her tenure the educational challenges presented by today's rapidly changing workplace and the promise the next century will offer to future alumni of St. Elizabeth's. In order to prepare for this challenge, Sister Jacqueline enlarged the college's endowment by more than 1000 percent, increased financial aid opportunities, opened the college to more minority and international students, worked to improve opportunities for faculty growth and leadership, and expanded coeducational programs in nursing and adult education. Additionally, St. Elizabeth's now boasts a coeducational graduate division and a campuswide computer information network.

Beyond her work at St. Elizabeth's, Sister Jacqueline has been a leader and an excellent spokesperson on educational issues through her membership on the board of directors of organizations such as the Association of Independent Colleges and Universities of New Jersey, the Morris County Chamber of Commerce, and the National Association of Independent Colleges and Universities. In the past, Sister Jacqueline has also served on the boards of two area hospitals and a seminary, and she currently serves on the Presidential Advisory Council for Intercampus Telecommunications Network, the New Jersey Independent College Fund, and the board of directors of the Public Leadership Educational Network. Throughout the years, she has been recognized as a leader by Seton Hall University, Douglas College, the New Jersey State Federation of Women's Clubs, the Northeast Coalition of Educational Leaders, and various local women's clubs.

However, even as she moves on to other challenges for the Sisters of Charity, Sister Jacqueline will be remembered, above all, by the 30 graduating classes of students that have passed through the College of St. Elizabeth during her time as a professor and as president of the institution. All of these women graduates take with them an element of Sister Jacqueline's thirst for knowledge, her desire to create a culture of giving and her hope for the future.

Mr. Speaker, again, I would like to commend Sister Jacqueline Burns for her tireless efforts on behalf of the students at the College of St. Elizabeth and for her selfless contributions to New Jersey and Morris County.

CONGRATULATIONS TO MSGR. HAROLD J. BURKARDT

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SHUSTER. Mr. Speaker, it is with great pride that I rise today to pay tribute to a long time servant of the people, Rev. Msgr. Harold J. Burkardt, who on June 1, 1997, celebrated the 50th anniversary of his ordination to the priesthood. Please join me in wishing him the best of luck on this wondrous milestone.

A native of Johnstown, PA, Monsignor Burkardt currently resides in Altoona, PA, which is located in my congressional district. He was raised in a strongly religious family and was joined by his brother and sister in pursuing a life with the church. He was ordained in 1947 at the Pontifical College Josephinum in Worthington, OH. After ordination he dedicated himself to a teaching career, focusing in math and the sciences at Josephinum, where he remained until 1971. Monsignor Burkardt then spent 2 years as an Assistant Pastor at Holy Name in Ebensburg, PA. In 1973 he moved to Immaculate Conception in Altoona where he became Pastor, dutifully serving the residents of Altoona until 1988.

Monsignor Burkardt continues to keep busy in his semi-retirement by assisting at St. Patrick's Church in Newry, PA. He continues to say Mass and enjoys keeping fit with his daily morning walk.

Mr. Speaker, I will close by once again asking you to help me pay tribute to Monsignor Burkardt on this, his 50th anniversary of Ordination. His life has been one of service and dedication to others and I am honored to have him as one of my constituents. I would like to thank Rev. Msgr. Harold J. Burkardt for his life long commitment to others and wish him well in all that he pursues.

REMARKS OF CHAIRMAN BENJAMIN GILMAN BEFORE THE POLISH AMERICAN CONGRESS

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. GOODLING. Mr. Speaker, I rise today to acknowledge the recent address of Congressman BENJAMIN GILMAN before the Polish American Congress. Mr. GILMAN spoke to the Congress on the anniversary of the 3rd of May Polish Constitution of 1791. The address, received by Polish Prime Minister Wlodzimierz Cimoszewicz, was very insightful. Mr. GILMAN, the distinguished chairman of the House International Relations Committee, spoke of the past and future of Polish democracy and the democratic fate of all of Eastern Europe. I commend Chairman GILMAN's remarks to all of my colleagues.

CHAIRMAN BENJAMIN A. GILMAN'S REMARKS ON THE COMMEMORATION OF THE ANNIVERSARY OF THE 3RD OF MAY POLISH CONSTITUTION OF 1791

Good Morning.

I am pleased to be here with all of you this morning, and with our honored guest, Prime Minister Cimoszewicz of Poland.

Welcome to you, Mr. Prime Minister, and to all of my good friends here today from the Polish American Congress.

Today, on the anniversary of the adoption of the Polish Constitution of 1791, we look back over the troubled history of Poland during the last two centuries.

We remember the Polish nation dismembered by its neighbors.

We see that nation then resurrected, but soon subjected yet again to a horrible fascist occupation.

We recall that the Polish nation was then freed again—only to be taken captive by communism.

Finally, in 1989, the nation of Poland emerged from its suffering and repression—almost two hundred years after the adoption of the May 3rd Constitution.

Keenly aware of this history, the question that has troubled many Poles since 1989 is this:

Will Poland once again fall victim to invasion or dictatorship?

I want to share with you this morning my conviction that the answer is no.

Of course we cannot overlook the threats to democracy and sovereignty that exist even today in Eastern Europe and that can confront any one of the struggling democracies in that region.

One need only look to events now occurring in Belarus, Poland's neighbor, to realize that even today a determined dictator can subvert constitutional democracy.

One need only look to Russia's continuing desire to exercise its power over the states of Eastern Europe and over the states of the former Soviet Union to realize that imperialism and aggression can quickly challenge the stability of much of Europe.

One need only realize that the reunification of Belarus with Russia may well be a real prospect—and an event that, should it occur, could change the face of Eastern Europe overnight.

It is my belief, however, that the policies that Poland has followed since 1989 will overcome those challenges and will, in fact, make Poland an anchor for the countries of Central and Eastern Europe that are also seeking democracy and security.

I have had opportunities in the last few months to speak about Poland's foreign policy at gatherings attended by Polish-Americans and to express my satisfaction with the positive trends I have seen in that foreign policy.

Let me just say this morning that Poland has followed a positive foreign policy to the West by eliminating obstacles to good relations with Germany and seeking integration into the NATO Alliance and the European Union.

It has also followed a positive foreign policy to its East, recognizing that the fate of countries such as Ukraine and Lithuania are vital to its national security and acting to support those countries' integration into European and trans-Atlantic institutions as well as its own.

Ladies and Gentlemen, I also have little fear for the success of Polish democracy.

The Polish people have made it clear that they want and expect Poland to be a mature democracy.

Free and fair elections have been held.

A modern Parliament is now working in Warsaw.

A peaceful and democratic transfer of presidential power has taken place.

And now, as we commemorate the anniversary of the May 3rd Constitution, the Polish people are preparing to decide on a new constitution that will guide their new democracy in the coming years.

Whatever the Polish people's decision on that new constitution may be, we can see that, ultimately, much of what the framers of the May 3rd Constitution sought for their country has now come to pass:

We see today a peaceful, democratic Poland.

We see a Poland free from the threat of invasion and working to ensure that it remains free.

We see the nation of Poland now free to seek its prosperity as a full member of the European community of nations.

While the Polish Constitution of 1791 was written only shortly before the nation of Poland entered into its two centuries of repression and dictatorship, that document has never been forgotten by Poles, who saw in it the symbol of a resurrected nation.

Today, as Poland has been re-born into a new era of democracy, we see that the promise of the May 3rd Constitution has been fulfilled.

On this important occasion, I extend my best wishes to the Polish nation as it moves forward to a bright future of peace, democracy and prosperity.

SUPPORT GROWS FOR NATIONAL SPORTS SUMMIT TO COMBAT DOMESTIC VIOLENCE AND SEXUAL ASSAULT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. SANDERS. Mr. Speaker, Congresswoman CONNIE MORELLA and I introduced legislation—House Concurrent Resolution 29—in February calling for a national summit of sports, government, business, and academic leaders along with nonprofit community organizations that serve victims of domestic violence and sexual assault and advocate on their behalf. Since then, support for such a groundbreaking summit has been growing steadily.

I am pleased to report that since similar legislation was first introduced last summer that we have received endorsement letters from the following concerned organizations and individuals: American College of Nurse Midwives; American Psychological Association; AYUDA; Larry Brown, coach of the Philadelphia 76'ers; Catholics for Free Choice; Center for the Study of Sports and Society; Center for Women Policy Studies; Community Anti-Drug Coalitions of America; Washington, DC Rape Crisis Center; Domestic Violence Advocacy Project; Joseph Glass of Team Sports; Britt King, Women's Basketball Coach at University of the District of Columbia; Lee McElroy, athletic director at American University; Older Women's League; National Association of Social Workers; National Coalition Against Sexual Assault; Jody Glass with New Waves of Rhode Island; Empowering Women and Confronting Abuse; NOW Legal Defense and Education Fund; Pennsylvania Coalition Against Rape; Tom Penders, head basketball coach at the University of Texas; Rhode Island Coalition Against Domestic Violence; National Urban League; Office of Justice Programs within the U.S. Justice Department; Vermont Network Against Domestic Violence and Sexual Assault; Women's Research and Education Institute; YWCA of the USA; and the Violence Policy Center.

It is a national disgrace that domestic violence is the leading cause of injury to American women, more common than auto accidents, muggings, and rapes by unknown assailants combined. Nearly 4,000 women die every year in our country as a result of domestic violence. In my own State of Vermont, every single murder during a recent year was linked to this criminal behavior.

We simply must find new ways to get a loud and clear message through to all Americans to curb the violence in our midst, especially domestic violence and sexual assault against women and girls. To help carry that message, I believe that our national sport heroes, as role models of profound national influence, can play a crucial role in helping to stigmatize and deter violence against women all across America.

Sadly hardly a day goes by that we don't read about the latest incidents of domestic violence and sexual assault in our local newspapers. Just a few days ago, a local television station in Washington, DC, for example reported on five different sexual assaults that had occurred allegedly involving athletes at Howard University and that had been covered up until now.

But positive action can be taken.

That is why Congresswoman MORELLA and I first wrote to all of the leaders of the major professional and amateur sports leagues in America in January 1996 urging them to join a national campaign and speak out against domestic violence and sexual assault. Since then we have had numerous meetings and entered into a dialogue with representatives of the National Football League, Major League Baseball, National Basketball Association, National Hockey League, National Collegiate Athletic Association, and the College Football Association.

We are pleased that some important follow-steps have been taken. Last fall, several prominent athletes, coaches, and officials of the College Football Association, in conjunction with the Liz Claiborne Foundation, filmed a series of unprecedented antidomestic violence public service advertisements that were broadcast during nationally televised collegiate football games for the first time. Similarly, the National Football League and star players like Steve Atwater of the Denver Broncos joined forces to air public service announcements against domestic violence during ABC's Monday Night Football show and other televised games.

Certainly I am not suggesting in any way that athletes are statistically any more prone to domestic violence and sexual assault than any other sector of our population. But there is no doubt that organized sports touch the lives of so many Americans and our families and that star athletes are idolized by many Americans of all ages. Hence, our identification with our sports stars provides a powerful means to combat domestic violence and sexual assault. There is much to be gained in our constant national campaign if we can enlist our sports leaders in spreading the word that rough and tumble, hard-nosed physical competition stops when athletes leave the playing arena and that there is absolutely no excuse for domestic violence or sexual assault in any walk of American life.

Similarly we need to do more to teach our young people who are so interested in sports that domestic violence and sexual assault are serious crimes. In this regard, I intend to press for education against domestic violence and sexual assault to be included in the regular instruction that thousands of young Americans between 10 and 16 years of age receive through taxpayer-funded programs like the National Youth Sports Program which the National Collegiate Athletic Association has received tens of millions of tax dollars to administer every summer for more than 20 years.

CONCURRENT RESOLUTION ON THE BUDGET, FISCAL YEAR 1998

SPEECH OF

HON. VINCE SNOWBARGER

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, May 20, 1997

The House in Committee of the Whole House on the State of the Union had under

consideration the concurrent resolution (H. Con. Res. 84) establishing the Congressional budget for the U.S. Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002:

Mr. SNOWBARGER. Mr. Chairman, during my campaign for Congress last year I said that my primary goals were a balanced budget as scored by the Congressional Budget Office and permanent tax relief for hard-working families. I stressed that these two goals were not mutually exclusive and that both were desperately needed by the American people. Tonight, I have the opportunity to vote for a budget plan that meets both those goals, and will by 2002—for the first time since 1974—reduce the Federal Government's share of the fruits of our labors to less than 20 percent of the U.S. gross domestic product.

This plan was not my first choice. I first supported a better budget, one introduced by Mr. DOOLITTLE, that would have allowed the American people to retain more of their hard-earned money and significantly reduced the bloated Federal Government. Unfortunately, that budget failed. My choice then, is between the balanced budget agreement and the status quo.

The plan currently contains many things that I gladly support—$135 billion in tax relief for families and investors over 5 years—$85 billion net; $600 billion in entitlement reform over 10 years; reforms to ensure the solvency of Medicare for the next decade; and less Government spending than the President would have us spend.

Of course, since the Republican Congress does not have enough of a majority to override President Clinton's vetoes, the plan also includes his own initiatives, many of which I oppose. These include a new taxpayer-financed health insurance entitlement, college tax credits that I, as a former college teacher, believe will only go to fund tuition increases and grade inflation; and reinstating SSI benefits to certain immigrants. However, the most disappointing aspect of this plan is that it doesn't really deflate the bloated Federal Government. The reduction in the share of the Nation's wealth consumed by the Government is based primarily on the assumption that the Nation's economy will grow a little faster than Government spending. But it is the best we can get with this President in the White House.

The other important thing this plan will do is that it should prevent the President from shutting down the Government again. The President has already signaled his willingness to shut the Government down—just as he did 2 years ago to prevent spending cuts, and blackmailed Congress into higher spending to avoid a shutdown last year. As long as this agreement is followed in good faith, this option should not be available to him.

I think we will be able to fill out the details of the plan in a way that is acceptable to both parties. I will watch carefully as Congress begins to shape the tax relief package and finalize other areas of the plan. As long as the Congressional Budget Office continues to certify that the plan will balance the budget and provide significant tax relief, I will support it.

OVERHAULING THE FOREIGN AID ESTABLISHMENT SUPPORT: H.R. 1486

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. DREIER. Mr. Speaker, later this week the House is likely to consider H.R. 1486, the Foreign Policy Reform Act of 1997. I believe that this important legislation, crafted in a responsible and bipartisan manner by the esteemed chairman of the House International Relations Committee, BEN GILMAN of Middletown, NY, offers a historic opportunity to move our Nation's foreign policy in the right direction.

The legislation reported by the International Relations Committee represents a return to proper congressional authorization procedures. It authorizes spending for the State Department and related agencies, as well as for security, humanitarian, and development assistance at levels agreed to by the House and Senate last week in their votes on the budget resolution, and at levels agreed to by the administration.

David Warsh, a business and economics columnist for the Boston Globe, recently wrote a cogent article putting the bill, and Chairman GILMAN'S leadership, in the proper historical perspective. Namely, it is a plan for development aid in the post-cold war era that rivals the shrewdness of the Marshall Plan itself.

MARSHALL'S INHERITOR

He was a kid sergeant when General George Marshall was Chief of Staff of the Army—an Army Air Corps navigator with 35 missions over Japan. And when Secretary of State Marshall in 1947 announced the ambitious plan for the reconstruction of Europe that has borne his name ever since, Ben Gilman was a GI Bill student at New York University Law School.

Now Gilman, the little-known chairman of the House Committee on International Relations, is acting as Marshall's inheritor—in ways that are as yet little understood.

Next week Congress takes up his Foreign Policy Reform Act. It is billed as the first major overhaul of the foreign aid establishment since 1961.

More to the point, the bill provides a set of tools for the conduct of development aid in the post-Cold War era that are in many ways analogous—opposite in approach but perhaps equal in shrewdness—to the Marshall Plan itself.

Chief among its features is a streamlining of the baroque foreign policy establishment that grew up during the half-century contest with the former Soviet Union.

Merged into the State Department altogether would be the US Information Agency and the Arms Control and Disarmament Agency. The Agency for International Development, which now reports directly to the president, also would go to work for the secretary of state instead. The expansion of NATO to the countries of Eastern Europe and Russia itself is authorized as well.

Thus the dueling strategies that have given the US government's foreign policy some of its worst moments since the Berlin Wall came down would at last be expected to speak with a single voice.

It was one of these smoldering rivalries that burst into flames last month when the Agency for International Development suspended a $14 million contract with a unit of Harvard University that has been consulting to the Russian government on various privatization programs.

The reason: The significant others of the two lead advisers—the wife of one, the girlfriend of the other—had been investing heavily in Russian ventures for personal gain.

Harvard economics professor Andrei Shleifer and Moscow program director Jonathan Hay were fired from its programs last week by the Harvard Institute for International Development. But the suspended contract is expected to be canceled soon, with permanent damage to the Russian faction that has been Washington's brightest hope for reform.

But there were deeper currents. HIID might never have had the contract in the first place but for the rump State Department that was the AID mission to Moscow—something like 300 hard-to-control employees. In fast-moving events after the attempted coup against Mikhail Gorbachev in 1991—and especially after Bill Clinton moved into the White House—the Harvard Institute came to be used as the principal, if unofficial, instrument of US macroeconomic policy in Moscow, responsive to instructions from the White House in ways that the well-entrenched AID mission in Russia never was.

It was amid such back-channel maneuvering that the burgeoning conflicts of interest on the part of the administration's preferred advisers, Shleifer and Hays, went unnoticed—or at least unchallenged.

With everybody in the foreign policy apparatus working for the president—as they would be under Ben Gilman's Foreign Policy Reform Act—such mischief would be far less likely to occur.

Harry Truman called Marshall "one of the most astute and profound men I have ever known." At a distance of 50 years, it is clear that Marshall understood that with a devastating war just ended but an even more threatening possibility in prospect, a concerted effort by the Americans to rebuild Europe would be required to keep Soviet tanks out of Paris.

Conditioned by the sacrifices of the war, a bipartisan Congress dug deep and came up with money—$13:5 billion, paltry even at 10 times that sum in current dollars—necessary to jump-start the European miracle. Peace and prosperity—and a strong line of defense against an expansionist Soviet empire—was the result.

Today, the situation is nearly opposite. Instead of a world hobbled by war, the United States looks outward to a world pretty much at peace with itself. Instead of relatively easily repaired physical damage, the harm done to many of the world's great nations—Russia, China, India—has been self-inflicted. It is institutional regeneration that is needed, not spare parts and heating oil.

And, of course, instead of facing a powerful and unpredictable foe, America finds itself alone as a global superpower. It is, however, one among many nations seeking to compete in global markets, and without the comfort of an eneny to galvanize its will.

In these circumstances, Ben Gilman's approach to foreign policy deserves to be understood for what it is: the best possible approach under the circumstances. It amounts to a return to the stripped-down apparatus with which America entered the post-World War II era: a president who makes foreign policy through his secretary of state, with the advice and consent of Congress, but without the bureaucratic barnacles that have grown up over 50 years.

Like the foreign policy of the Marshall Plan, the support for the Foreign Policy Reform Act is selfconciously bipartisan. Freshmen hotheads made a bold attempt to derail Gilman's ascension to the international relations committee's chair (he replaced Representative Lee Hamilton) following the surprise Republican conquest of the House in 1994; he was too much a Rockefeller Republican for some. (A moderate, Gilman was elected to Congress on Richard Nixon's coattails in 1972.)

Yet Gil;man works well with his Republican counterpart in the Senate, Jesse Helms. Gilman retains the respect of the Democrats. And he keeps a light checkrein on the Clinton administration, causing few embarrassments, but regularly extracting compromises in cases where he believes US policy is overly soft or harsh—in China, in Bosnia, in Somalia, in Haiti, in the Ukraine.

It is picturesque that debate should be scheduled to begin on Gilman's bill on Tuesday—in time to offer the possibility that it could come to a vote in the House on the 50th anniversary of Marshall's famous speech at Harvard, June 5.

So never mind the nostalgia. Great deeds are still being undertaken. The shaping economic development around the world has replaced defense as the cutting edge of foreign policy. It is possible that the next 50 years will be even better than the last.

JOBS FOR OLDER WORKERS

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Ms. LOFGREN. Mr. Speaker, I wish to call your attention to an uplifting story in the San Jose Mercury News, describing how a Silicon Valley entrepreneur, Mr. Jessie Singh, has built his high-tech enterprise with the help of senior workers including many immigrants.

It is a sad fact that older workers face significant obstacles in obtaining employment. But, as Mr. Singh's model shows, seniors can excel at the workplace.

As our country continues to address the issue of welfare reform, we need to recognize that many older workers do want to work hard, and will work hard, if given the opportunity. Our economic future depends on employing the talents of all our residents.

[From the San Jose Mercury News, Apr. 8, 1997]

THREESCORE YEARS—AND HIRED MILPITAS HIGH-TECH FIRM FINDS ITS OLDER WORKERS TO BE LOYAL DEPENDABLE

(By Carolyn Jung)

It's a familiar sight at many Silicon Valley high-tech companies—throngs of 20- and 30-somethings hunched over computer terminals, assembling circuit boards, chomping pizza or playing foosball.

But visit BJS Electronics Inc. in Milpitas and you'll find several workers of a decidedly different age, with a few more gray hairs, embarking on a new career in their golden years.

The company, one of the largest independent distributors of memory chips, is doing something few other high-tech firms seem willing to do—hiring older workers in their 50s and 60s. In BJS' case, many of them are also immigrants who face the loss of Supplemental Security Income funds in August because they are not naturalized citizens.

Of the company's 68 employers, 10 range in age from 52 to 69. They have been hired as security guards, warehouse workers and circuit-board testers. With these jobs, they say, they've gained self-esteem and greater respect among friends and family members. And at a time when many employees routinely jump from job to job, company officials say they's garnered a group of dependable employees who work hard and remain loyal to the company.

Company Chief Executive Jessie Singh, who came here from India with only $8 in his pocket and now owns a company that boasts $240 million in sales annually, said he made a special effort to hire older workers because he understands how they feel.

"Seniors are mostly unwanted in society or used by their children who bring them to this country just to babysit the grandchildren,' said Singh, 38. "This is chance for them to get out of the house. They can prove they're not less than anyone else."

Bill Payson, president of Senior Staff, a job databank for seniors in Silicon Valley, applauds BJS Electronics' hiring practice, which he calls a rarity in this industry. While many of the 3,500 seniors listed with the databank want to work in high-tech, the job listings Payson gets from such companies are few.

Indeed, industry representatives for Joint Venture: Silicon Valley and the Santa Clara Valley Manufacturing Group said they are unsure if any high-tech companies make an effort to hire older workers.

OVER 35 IS OVER THE HILL

"High-tech companies are notoriously prejudiced against older folks. They think anyone over 35 is over the hill," Payson said. "For this company (BJS) to have that large a proportion of older workers, I'd give them high marks for that. This is the coming trend. And this company is ahead of the wave."

About 21 percent of the population in Santa Clara County is age 50 or over, according to U.S. Census data. About 9 percent is age 65 or older. (Payson and some advocacy groups designate people over 50 as seniors. The federal government has no single definition. Laws governing housing, social services and medical care set different age limits.)

Of the age 50-and-over group, 50 percent work because they need the money or because they want to stay useful, Payson said. For those with good computer and office skills, jobs are not as hard to find, advocates for the elderly said. But for those who speak limited English, who have transportation problems or who have little work experience in this country, it can be far more difficult.

"Most of the older people I work with feel there's discrimination out there, that they're under-rated as far as their health and skills," said Sue LaForge, director of the National Council on Aging's job-training program. "But the situation is getting better. Employers are starting to see seniors as a desirable addition to their workforce."

COST OF LIVING A FACTOR

LaForge hopes more Silicon Valley high-tech companies follow suit, particularly because more seniors—the fastest-growing segment of the population—find it necessary to continue working because of the high cost of living here.

At BJS Electronics, seniors such as Sampuran Singh work alongside other workers half their age. For the past four months, the retired bank inspector from India has helped fill sales for the $1,300 memory chips that are assembled onto circuit boards and sold to companies such as Hewlett-Packard.

"I want to contribute to the economy of America," said the 61-year-old immigrant who came to the United States a year and a half ago. "We don't want to be dependent on the government. We shouldn't be a burden on others."

Jessie Singh, BJS' chief executive, said he got the idea to hire the seniors when he heard Mayor Susan Hammer speak last summer about the jarring effects welfare reform could have on legal immigrants.

He approached San Jose's Northside Community Center, which provides nutritional and social services for Indo-American and Filipino-American seniors, to find a senior to employ. The center sent over four. Jessie Singh hired all of them.

Of the 10 older workers at BJS Electronics, eight are Indo-Americans, one is of Chinese descent from the Philippines and another is white. Their previous occupations include physical education teacher, cab driver, farmer and army officer. None had ever worked at a high-tech company.

Now, they work full time, 40 hours a week, making about $7 an hour with full medical benefits. Advocates for the elderly said they consider that a fair wage. Payson noted that many of his seniors get paid up to $14 an hour, but those are usually part-time jobs that don't include benefits.

Jessie Singh said he wanted to help those struggling to regain a foothold in life because it's an experience he knows all too well, having left Punjab, India, 11 years ago with almost nothing and moving to Santa Clara with his wife, Surinder, after a traditional marriage arranged by their parents.

Even though he had an engineering degree and once supervised 1,500 employees in India, he found it nearly impossible to get a skilled job here.

RESUMES AT THE GAS PUMP

So for the first four months, he delivered pizzas and pumped gas. He would hand out his resume at the full-service pump, figuring anyone buying premium could hire him.

"I did get a lot of response from that," he said. "But they all still wanted work experience in the United States, and I didn't have any. I was so frustrated."

He started asking friends in India for help. One friend, a distributor of computer chips, asked Singh to help him purchase from Silicon Valley vendors some memory chips that would be sold to buyers in India.

"I didn't even know what a memory chip was," Singh said about the component that stores data temporarily while the microprocessor carries out its work.

Even so, he went to work, buying the chips for his friend and making a 10 percent commission on each deal. He soon realized that instead of being just a middleman, it would be more worthwhile to strike out on his own.

He borrowed money from friends and relatives and ran a one-man operation out of his Santa Clara apartment.

These days, the millionaire businessman operates out of a 45,000-square-foot, high-security building where more than 10,000 memory chips go out each day.

Now, Jessie Singh hopes other companies will copy his efforts in hiring seniors. Surjit Sohi, 57, who has worked as an operations manager at BJS Electronics for more than a year, hopes so, too.

"In India, age counts for you," said Sohi, a retired army general who immigrated here three years ago. "But in America, age goes

against you. We should get over the barriers of age. We want to show everyone that we can still do well at our age."

TRIBUTE TO THE HONORABLE LESTER F. HERRSCHAFT

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to you attention the Honorable Lester F. Jerrschaft, Councilman for the City of Clifton, New Jersey who is being honored by Knights of Columbus Council 3769 as their "Man of the Year."

Councilman Herrschaft was born and raised in the City of Clifton. He is a graduate of Clifton Elementary School No. 6 and Clifton High School. He entered the service upon graduation from high school and served with the Army (infantry) in Europe during World War II. He is a member of the Disabled American Veterans (DAV) Clifton Chapter No. 1, the American Legion Post No. 8 and the Athenia Veterans Post, Military Order of the Purple Heart.

Councilman Herrschaft is a principal and chief financial officer of Albert A. Stier Inc., and affiliated Realty Corporations of Clifton and manager of Styertowne Shopping Center. While successful professionally, Councilman Herrschaft has never forgotten about his community.

His involvements are numerous. Councilman Herrschaft has served for 15 years on the Clifton Board of Education, and for seven of those years, served as president. He is a former trustee of both the Clifton Boys Club and the Passaic-Clifton Boys Club and the Passaic-Clifton YMCA, has served as Special Gifts Chairman of the Passaic Valley United Way, and serves on the board of the Clifton Adult Opportunity Center. Councilman Herrschaft further served on the Board of Governors of Passaic General Hospital. He serves on the Advisory Board of the Valley National Bank and was appointed by the Supreme Court to serve on the Passaic County Legal Free Arbitration Committee. He is a member and past president of the Clifton Rotary Club. He is a member of Clifton Lodge No. 203 and president of the Clifton Masonic Temple Association. Councilman Herrschaft was the recipient of the Joseph J. Kolodziej Humanitarian Award in February 1993 and the Clifton Optimist Man of the Year in 1995.

Councilman Herrschaft was elected to his third term of the Clifton Municipal Council in July 1994. He contributes to many charitable endeavors. Councilman Herrschaft is a member of the Salaam Temple of the Shrine and is actively involved in the support of the Shrine Crippled Childrens Hospital and Burn Center.

Councilman Herrschaft is a graduate of Fairleigh Dickinson University where he was awarded his Bachelor of Science degree, majoring in management. He and his wife, Dorothy, reside in Clifton and have two sons, Skip and Peter and three grandchildren.

Mr. Speaker, I ask that you join me, our colleagues, Councilman Herrschaft's family and friends and the City of Clifton in recognizing the outstanding and invaluable service to the community of the Honorable Lester F. Herrschaft, Councilman for the City of Clifton.

ADDRESSING HOMELESSNESS

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mrs. MORELLA. Mr. Speaker, on June 5, the fifth graders from Somerset Elementary School and the Montgomery County Coalition for the Homeless will present a symposium, "Wake Up Montgomery County!" It is with a great deal of pride that I honor this school, which has worked over the years to provide the homeless in Montgomery County with support and compassion. Led by the efforts of a remarkable fifth grade teacher, Ms. Vicky Fisk, every child that graduates from Somerset has a deep sense of community obligation and a better understanding of what it is like to spend the night on the street or in a shelter.

Ms. Fisk has been working with Montgomery County homeless shelters for 10 years. I would like to relay to you some of the experiences her students have had, for the most part in their own words. Their fifth grade year begins by researching and then writing essays, reports and papers about the homeless.

During our research, we learned that the main causes of homelessness are drugs, alcohol, mental illness and the working poor * * * Working poor means that they have a job, but it doesn't pay them enough to rent a place to live * * * Here is why you should not stop drug and alcohol education programs. If you did stop the programs the number of homeless will increase more than it does now every year.

We have raised money to buy coats for the children at Helping Hands Shelter. We then went to classrooms and informed students what we were going to do for the homeless * * * We collected items from room to room for a month. We collected 1,200 items in a cart called "The Caring Cart." After four weeks went by, our class went to shelters giving out what we have collected * * * Some of these items are toilet paper, laundry detergent, and deodorant * * * It really helped the homeless.

Ms. Fisk's fifth grade does not stop there. They go on to challenge me and other Members of Congress to do more for the homeless. "What have you done?" they have asked me. "If you have a big speech about this, people will listen. [The homeless] need your support. They are American citizens, just as important as anyone. Did you know that there are more than 2,000 homeless people in Montgomery County alone? The homeless need your help."

I could not say it better. I have learned from the youngsters in Somerset Elementary School and I know that whomever stops in at their school at 5811 Warwick Place between 7 and 8:30 p.m. on June 5 will be very inspired.

A TRIBUTE TO BEVERLY HARPER ON HER SELECTION AS ONE OF PENNSYLVANIA'S BEST 50 WOMEN IN BUSINESS

HON. THOMAS M. FOGLIETTA

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. FOGLIETTA. Mr. Speaker, I rise today to pay tribute to Ms. Beverly Harper of Philadelphia. Ms. Harper was recently named one of Pennsylvania's Best 50 Women in Business, an honor she rightly deserves for her business savvy and her contributions to the community. One of two thousand nominees for the honor, Harper was nominated by the Ben Franklin Technology Center of southeastern Pennsylvania. Candidates were required to be owners, presidents, CEO's, or in a position with significant authority in the decisionmaking of the business. Ms. Harper certainly meets these standards as the founder and president of Portfolio Associates, Inc., a firm that specializes in public relations, advertising, marketing, and market research.

Since its founding in 1969, Portfolio Associates has handled numerous big-name accounts, including: Southeastern Pennsylvania Public Transportation Authority [SEPTA], University of Pennsylvania Health System, Philadelphia Gas Works, and the Philadelphia Convention and Visitors Bureau, among others.

In addition to her successes in the business world, Beverly Harper is active in community organizations and is a supporter of the arts in Philadelphia. She spearheaded Greek Row, a movement to help Greek organizations develop a Panhellenic center and spur development in the distressed neighborhoods of North Philadelphia. Ms. Harper and her staff have regularly participated in career days at local schools, and have made a practice of adopting a school or family struggling with hardship, in an effort to enhance educational opportunities and improve self-esteem in low-income neighborhoods.

Ms. Harper is a member of the Community Trust Board of the West Philadelphia Empowerment Zone and is on the board of directors at the Philadelphia Orchestra and the Philadelphia Dance Co. Mr. Speaker, in light of her many contributions to the city of Philadelphia, and in recognition of her recent inclusion in the list of Pennsylvania's top businesswomen, I ask that my colleagues join me today in honoring Beverly A. Harper.

COMMEMORATING THE CENTENNIAL CONGRESS OF THE AMERICAN OPTOMETRIC ASSOCIATION

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. GEPHARDT. Mr. Speaker, thousands of optometrists from across the nation will convene in my hometown of St. Louis, June 11–15, for the Centennial Congress of the American Optometric Association [AOA]. It is fitting that this milestone event be held in St. Louis

because it has been the home of the AOA since 1953.

Optometry's roots date back to the ancient Greeks and their study of the mechanics of vision. In 1898, the evolving profession of optometry in the United States began to coalesce with the first meeting of the American Association of Opticians. The association had a charter membership of 183 members representing 31 States. The association adopted the use of the term optometrist in 1903, and in 1918 changes its name to the American Optometric Association.

Since those early days, optometry has grown into a dynamic health care profession with nearly 31,000 practicing optometrist in more than 4,000 cities and towns spanning the U.S. Optometry encompasses the care of the eye and vision system through the diagnosis, treatment and management of eye diseases and vision disorders.

The theme of this year's conference is "A Celebration of Sight." In addition to an extensive program of continuing education and the consideration of policy resolutions, the AOA will be electing a new president. Taking over as the association's 76th president will be Dr. Michael D. Jones of Athens, TN. He will be succeeding Dr. T. Joel Byars from McDonough, GA.

I would like to ask my colleagues to join in saluting the American Optometric Association on the occasion of its Centennial Congress.

WE NEED A TAX BILL THAT'S FAIR

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Ms. WOOLSEY. Mr. Speaker, we need a tax bill that's fair.

That means, quite simply, that the tax bill we pass must be targeted to those who need it the most—middle-income families. A fair tax bill would give a real tax break to the middle class, not the super rich.

It would include the President's proposals to make higher education more affordable. It would provide tax relief for family-owned farms and small businesses, a 100-percent health insurance deduction for the self-employed, and relief for home offices.

But there's one thing that a fair tax bill would never include: a tax cut for the super rich that explodes after the first 5 years. That tax cut will saddle us all with more debt and put a tough new squeeze on our hard-working families.

Let's play fair. Let's protect our families. Let's vote for the motion to instruct.

TRIBUTE TO CLARA BELL DICKERSON

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Ms. RIVERS. Mr. Speaker, for the record, I would like to honor and congratulate Ms. Clara Bell Dickerson on her 100th birthday. Witness to the advent of cars and electricity, the Great Depression and two world wars, Ms. Dickerson celebrated 100 years of life and achievement on May 21, 1997.

In 1936, Ms. Dickerson and her husband, Jeremiah Dickerson, became residents of Salem Township, MI. In this burgeoning community, they raised four children; Claver, Tamenund, Edward, and Edwina. Ms. Dickerson is especially proud of her son, Tamenund James Dickerson, who served his country as a Tuskegee airman with the 99th squadron from June 27, 1944 to March 19, 1946.

Ms. Dickerson is an active participant in the Salem community, giving generously of her time to local organizations. She has been a member of the Salem Historical Society since its beginning. For over 50 years, she has been a member of the Salem Bible Church where she has taught and assisted in teaching Sunday School since 1979. She served as a reading aide at the Salem Elementary School from 1986 to 1991. From 1985 to 1994, Ms. Dickerson assisted in the distribution of surplus food for the Salem Township and surrounding areas.

Working out of her home from 1950 to 1985, Ms. Dickerson catered to many special events, weddings, and graduations for generations of families throughout Washtenaw County.

On behalf of the friends and family of Ms. Dickerson, I express my heartfelt congratulations on the extraordinary accomplishment of her 100th birthday.

TRIBUTE TO MONSIGNOR JOHN EDWARD MORRIS

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Msgr. John Edward Morris on the occasion of the 50th anniversary of his ordination into the priesthood.

Monsignor Morris was born on July 13, 1921 in Brooklyn, New York, the first child of John E. and Mary Cassion Morris. His parents moved to Lincoln Park, NJ several years later, where he, his three brothers and one sister grew up. He attended St. John's High School in Paterson and began studies for the priesthood at Seton Hall College, South Orange in 1939. He completed those studies at Immaculate Conception Seminary in Darlington, NJ and Catholic University in Washington, DC in 1947.

Monsignor Morris was ordained into the priesthood for the Diocese of Paterson on May 31, 1947. He was ordained by Archbishop Thomas J. Walsh of the Archdiocese of Newark at the Sacred Heart Cathedral because Paterson's Bishop McLaughlin had died 2 months previously and a successor had not yet been chosen.

Monsignor Morris was assigned as associate pastor to Holy Trinity Church (Heilige Dreifaltigkeits Kirche) in Passaic, NJ on June 10, 1947, where he ministered to youth and elderly alike. He attended classes and became proficient in the German language so as to better serve the German-speaking immigrants from Europe. At the same time, he taught at Pope Pius XII High School in Passaic.

Monsignor Morris continued until 1961, when Bishop McNulty called upon him to further his studies at the Catholic University in Washington, DC. There he attained a doctorate in educational administration. He returned to the Paterson Diocese in 1964 and became its third superintendent of schools, overseeing all the grammar and high schools of the diocese. He remained in this position until 1971. During these years he began an association with the Little Sisters of the Poor, residing at their Dey Street home in Paterson and serving as their chaplain to the sisters and residents.

In 1971, Monsignor Morris returned to Holy Trinity Parish, where he has served as co-pastor and pastor ever since. He was honored by Pope John Paul II and given the title "Monsignor" in 1981. Monsignor Morris has nobly and generously served both the church and the community. His devoted service is indeed admirable.

Mr. Speaker, I ask that you join me, our colleagues, Monsignor Morris' family and friends, the congregation of Holy Trinity Church and the city of Passaic in recognition of the momentous occasion of the 50th anniversary of Msgr. John Edward Morris' ordination into the priesthood.

TRIBUTE TO DR. JOHN W. GROVER

HON. JIM BUNNING

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. BUNNING. Mr. Speaker, I would like to take a moment to pay tribute to an outstanding citizen of northern Kentucky, a man who has proven beyond any doubt that one person who is willing to give his own time and ability can indeed make a difference. I'm speaking of Dr. John W. Grover of Fort Thomas, KY.

After serving in the Korean war, as a lieutenant on the U.S.S. *Breckenridge,* John Grover established himself as a family physician in Fort Thomas, KY. Over the next 38 years, until his retirement in 1990, John managed to maintain a very successful practice, providing regular health care to a goodly portion of the population of Fort Thomas. He was my family's physician for a good 25 years. During this same period, he also found the time, with the help of his wife, Jo, to raise a family of four fine children.

But success at family and profession weren't enough for John Grover. From the beginning, he gave back as much as he got. From the beginning, he immersed himself in public service.

For 22 years, he served as the team physician for Highlands High School football team. He served on the board of director of the YMCA. He served on the board of directors of St. Luke Hospital for 16 years. He provided free medical care for the children of Holly Hill Children's Home for 36 years. He volunteered

at the Vine Street Medical Clinic in downtown Cincinnati.

Even when it came to his hobbies, John couldn't sidestep the call of voluntarism. He was an avid spelunker, spending 8 years helping to map and survey unexplored areas of Mammoth Cave, and from 1968 to 1976, he also served as safety director of the Cave Research Foundation.

Dr. John Grover is an unusual man of exceptional talent—but his greatest achievement and what he will always be remembered for is what he gave back—through selfless public service. This is one Kentuckian who has proven that voluntarism can indeed make a real difference.

ENDANGERED SPECIES OF WILD FAUNA AND FLORA

HON. CHARLES H. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 3, 1997

Mr. TAYLOR of North Carolina. Mr. Speaker, I insert for the RECORD the following statement which I presented to the House Committee on Resources today:

STATEMENT OF THE HONORABLE CHARLES H. TAYLOR BEFORE THE RESOURCES COMMITTEE OF THE U.S. HOUSE OF REPRESENTATIVES SUBCOMMITTEE ON FISHERIES CONSERVATION, WILDLIFE AND OCEANS

Mr. Chairman, I want to thank the Committee for this opportunity to provide my thoughts on the upcoming meeting of the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES). As you are aware, the Clinton Administration has petitioned CITES to list the commercially valuable *S. maccrophylla* (Big-Leaf Mahogany) as potentially endangered under Appendix II of the treaty. My interest and experience in this area is two-fold. As you may be aware, I am the only registered forester in Congress, and it is important to me that the policy of the United States on timber issues be informed by sound science and proven principles of forest management.

My concern in this area also derives from the importance of wood products to the economy of North Carolina and the nation. Mahogany has always been prized by consumers for its beauty, functionality, and weather resistance. The production of furniture, decking, and decorative arts represent the highest valued uses of this resource. This translates into good jobs in North Carolina, Virginia, Kentucky, Pennsylvania, Michigan, New York, Indiana, and many other U.S. states—as well as in range states such as Brazil and Bolivia where economic opportunities are not as abundant. By lending economic value to the forest ecosystems in that region, Mahogany production provides incentives to keep these ecosystems intact. Clearly, all of us should be striving for a sustainable utilization of the Mahogany resources with which this hemisphere has been generously endowed.

I have a number of concerns with the proposal to list Big-Leaf Mahogany under CITES Appendix II, and the leading role of the U.S. delegation in that effort. Most fundamentally, the weight of scientific evidence does not show the species in decline. Unfortunately, for some time now the debate over Mahogany has been guided more by emotion and ideology than facts.

Based on what has been presented in the media and by advocacy groups, many Americans would be surprised to learn that the range of Mahogany is very large, extending from Mexico to Bolivia. Jack Ward Thomas, who until recently headed the U.S. Forest Service, concluded after a comprehensive review of the evidence that Big-Leaf Mahogany is abundant, with an extensive range, and not threatened with extinction.

In all parts of the range, the tree occurs in relatively small quantities in comparison to the total standing timber in the forest, a growth pattern characteristic of many of the species in Latin America. This creates opportunities for selective harvesting in which the majority of trees in a forest are left healthy and standing. "Range states" are increasingly relying upon such practices, and many U.S. importers of Mahogany insist on shipments from properly managed forests. South American governments are also more aggressively combating illegal clearing, tightening allowable harvests, and repealing tax incentives that had contributed to deforestation. Brazil recently suspended logging permits for two years, and my understanding is that Peru is in the process of implementing a similar restriction.

These facts are acknowledged by the U.S. Forest Service—the recognized tree experts in the U.S. Government. The Forest Service's leading Mahogany expert, Dr. Ariel Lugo has published a detailed critique of the Appendix II listing proposal, and concluded that it is a "poor proposal and a bad example of how science is used by the U.S. Government to guide the management of natural resources." Dr. Lugo notes more specifically that the

* * * proposal does not measure up to the standards of science and fairness required to solve complex and contentious issues, does not reflect the current understanding of the ecology and biology of Big-Leaf Mahogany, it is strongly biased, contains inaccurate statements, and ignores available information that would provide decision-makers with a more accurate understanding of the Mahogany issue. For this reason, the proposal is not a useful policy-making document and should be abandoned.

In November 20, 1996 comments to the U.S. Fish and Wildlife Service (USFWS), then Chief of the U.S. Forest Service Jack Ward Thomas reached the same conclusions, noting succinctly that "none of the criteria for listing a species on Appendix II are met."

Unfortunately, it appears that the Administration has neglected the informed input of its own experts in favor of a more political approach. The process of formulating a U.S. position has been characterized by haste and the exclusion of divergent views. The USFWS participated in three different gatherings of forestry, timber-trade, and plant and Mahogany experts this fall, but engaged in no substantial discussions of the Mahogany proposal. During these meetings, USFWS had an excellent opportunity to inform the groups that an Appendix II listing proposal for Mahogany was being considered, and to solicit their expertise. This was not done, resulting in a foregone opportunity for informed input and discussion.

Even the scheduling of CITES action on Mahogany appears to reflect political dynamics more than sound fact gathering. Acting on the proposal in June would moot the efforts of the specially-formed CITES Timber Working Group (TWG) which has completed its work and has submitted its report and recommendations to the CITES Standing Committee. It is premature to forward a listing proposal until this group's report and recommendations are received and considered by the Conference of Parties in Zimbabwe in June.

The listing proposal is also premature with respect to the report of an internal study on the Convention's effectiveness which was commissioned by the CITES Standing Committee. The results of this study also will be presented in June. The consultants found (among other things) that certain governments and advocacy groups are disproportionately represented in the work of CITES, and that CITES pays a disproportionate amount of time and effort dealing with the issues surrounding a relatively small number of popular species, such as mahogany.

I am also concerned with the characteristic positions of the range states on restricting trade in mahogany. USFWS claims that the majority of the range states support the listing of *S. macrophylla*. It is notable that only one nation (Costa Rica) has placed unilateral restrictions on mahogany exports. This is explicitly allowed under Appendix III of CITES. Additionally, it has been reported that only Ecuador expressed support for the Appendix II proposal during the USFWS consultation process, and that Peru and Brazil have registered their strong opposition. The whole CITES proves on mahogany reflects an all too familiar pattern of northern hemisphere advocacy groups dictating resource policy to their southern neighbors.

The handling of the listing petition for Big-Leaf Mahogany could set an unfortunate precedent. The recently revised listing criteria for CITES are being interpreted by advocacy groups very broadly and in a fashion which would allow almost any commercial tree species to have a CITES Appendix I or II listing. There is a widely-held belief that CITES is not a suitable forum for the regulation of widely traded tree species. CITES was never intended for this purpose. If S. macrophylla is listed on Appendix II, we expect that many additional species will soon be proposed for listing as well.

Many other species are prime candidates for listing proposals at subsequent CITES meetings. We call attention to the report of the first phase of a study commissioned by the Netherlands CITES Authorities and conducted by the World Conservation Monitoring Center (WCMC) that evaluated numerous timber species vis-à-vis the new listing criteria adopted in Fort Lauderdale. Phase one of the study examined 58 species, primarily from Africa and Asia. Of the 58, 41 species overall (29 from Africa alone) were found to qualify for listing in either Appendix I (a complete BAN on trade) or Appendix II (trade allowed but heavily regulated).

Proponents of listing have argued that Appendix II listing is not equivalent to an export ban. However, Appendix II listing would require certification of Mahogany exports as obtained from sustainable forests, and require routing of shipments through CITES-approved ports. This could create additional bureaucratic and logistical burdens, as well as opportunities for corruption in the allocation of permits.

Finally, it is highly questionable that trade restrictions will improve the protection of Mahogany forests, and in fact, they could have the opposite effect. History has shown that people in developing nations will not resign themselves to economic stagnation, but will choose between competing development options. In fact, it is generally recognized that the greatest threat to tropical ecosystems is clearing and burning related to housing, ranching and agriculture.

By providing an economic incentive to maintain hardwood forests, responsible timber production forestalls less attractive development options. As Dr. Thomas Lovejoy of the Smithsonian Institution has said, "the key component in preserving and maintaining the tropical forests is to ensure these resources maintain their economic value."

It is for these reasons that I draw the Committee's attention to the Mahogany listing proposal. Appendix II listing by CITES would directly impact the future of the U. S. furniture workers and other American industries that rely on this resource to meet consumers' preferences. Also at stake are the emerging economies of South American nations, with whom the United States hopes to build stronger trading relations in coming years.

I encourage the Administration to reconsider their support for this proposal and to withdraw it from consideration at the upcoming CITES Conference of Parties in Zimbabwe.