Congressional Record

United States of America

PROCEEDINGS AND DEBATES OF THE 105th CONGRESS, FIRST SESSION

SENATE—*Tuesday, June 10, 1997*

The Senate met at 11 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:

Listen to this remarkable promise from the Prophet Isaiah:

Then you shall call and the Lord will answer; you shall cry, and he will say, "Here I am."—Isaiah 58:9.

Let us pray.

Almighty God, You also said through the Prophet Isaiah that when we call, You will answer and while we are speaking You will hear—Isaiah 65:24. We thank You that prayer begins with You. It originates in Your heart, sweeps into our hearts, and gives us the boldness to ask what You desire to give.

Today, may constant conversation with You hone the desires of our hearts until they are Your desires for us and for our work together. Then, dear Father, grant us the desires of our hearts. May our human understanding be surpassed by Your gift of supernatural knowledge, our inadequate judgment with Your omniscient wisdom, and our limited expectations with Your propitious plans for us. We yield our minds, hearts, wills, and imaginations to be channels for the flow of Your divine guidance.

Bless the Senators in the decisions they must make and the votes they will cast. Give them, and all of us who work with them, Your strength to endure and Your courage to triumph in things great and small that we attempt for the good of all. In Your holy name. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

The PRESIDENT pro tempore. The able acting majority leader is recognized.

SCHEDULE

Mr. THOMAS. Mr. President, on behalf of the majority leader, today the Senate will be in a period of morning business until the hour of 12:30 p.m., with Senators to speak up to 5 minutes each, with the exception of three Senators. Under a previous consent agreement, from 12:30 until 2:15 p.m. the Senate will be in recess to allow the weekly policy luncheons to meet. At 2:30 today, it is the hope of the majority that the Senate will be able to discharge from the Labor Committee and begin consideration of S. 419, the Birth Defects Prevention Act. This legislation is not controversial. It is hoped that the Senate will be able to consider and pass this important bill in a short period of time. Senators can therefore expect rollcall votes during today's session of the Senate. As always, Members will be notified accordingly as any votes are ordered with respect to any legislation or executive matters cleared for action.

I thank the Members for their attention.

MEASURES PLACED ON CALENDAR—H.R. 1000, H.R. 908

Mr. THOMAS. I understand there are two bills, Mr. President, due for their second reading, and I would ask that they be read consecutively.

The PRESIDENT pro tempore. The clerk will read the bills for the second time.

The assistant legislative clerk read as follows.

A bill (H.R. 1000) to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for food stamp benefits.

A bill (H.R. 908) to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

Mr. THOMAS. Mr. President, I object to further proceeding on either of these bills at this time.

The PRESIDENT pro tempore. The bills will be placed on the calendar under general orders.

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

The PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

(Mr. THOMAS assumed the chair.)

Mr. DORGAN. 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.

DISASTER RELIEF BILL

Mr. DORGAN. Mr. President, those who are watching the activities of the Congress now understand that the Congress, after some delay, passed a disaster bill to provide disaster relief to victims, especially the victims of the blizzards and the floods in South Dakota, North Dakota, and Minnesota, but to provide disaster relief on a much broader scale to those who have been victims of disaster in many States around the country.

The Congress did something different this time on disaster relief. In this circumstance, on this disaster relief bill, which is called a supplemental appropriations bill, the Congress decided to attach some very controversial provisions that don't have any relationship to the bill, that are totally extraneous, unrelated to the disaster bill. They attached these provisions that weeks ago the President said he would not accept.

The result was the disaster bill became a political vehicle asking flood victims and disaster victims to wait: "Hold on over there, we're going to have a political exercise on the disaster bill." And, in fact, this weekend, following the passage of the disaster bill by the Congress last Thursday night, instead of sending the disaster bill to the President then, this weekend it was held over in the House of Representatives, and then the Republican National Committee went on paid radio ads in North Dakota, for example, to make a political issue of this so that the bill could be sent down to the President on Monday, so that they would hope the President would pay a political price for vetoing the bill.

I don't care about one or the other. I don't care about this side, that side,

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

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your side or my side. What I care about are disaster victims, and disaster bills ought not be the product of political games. In any event, I ask those who would construct a political strategy on the disaster bill, how on Earth could you construct a strategy by which everybody loses? What kind of a political game is that, a game in which you have constructed an approach so that everyone loses, most especially, the losers are the victims of a disaster? Thousands of them this morning who woke up not in their own homes, because their homes are destroyed, but woke up in neighbors' homes, in a neighboring city, relatives' homes, a shelter, a tent, a camper trailer. That is where they are living. They are the first victims of a strategy that plays politics with disaster relief, but there are others.

The other losers are all the folks in the political system. There are no winners here, only losers, and the biggest losers are those who can least afford it: victims of this disaster.

I intend, in just a moment, to ask unanimous consent to call up a bill that I introduced in the Senate yesterday. It is identical to the bill that Congress passed providing disaster relief, except for two things. It takes out the two major controversial provisions to which the President objects. I say, by doing this, let's pass a clean disaster bill, pass it now, get it to the President, get it signed and get disaster relief to the victims who so desperately need it.

Mr. DURBIN. Will the Senator yield?

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

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, let me say to my colleague, I can, as said by the President, feel your pain here, because in 1993, my congressional district was inundated in a Midwestern flood.

There are many natural disasters which can befall America and a family. One of the most insidious is a flood. It just never goes away. Some disasters strike quickly, with a tornado or an earthquake or fire, and by the next day, people are starting to reassemble their lives and clean up the mess and put it behind them. A flood lingers, and as it lingers, I have watched family after family in my district reach a level of depression, then desperation. About the only thing that sustains them is not only all of the good neighbors and volunteers who come to their assistance, but the belief that this Nation stands behind them; that, as a family, America says, "We will come to your aid, too. We will assist you."

It is interesting to me that during the course of our history, time and time again, without exception, we have said we are going to waive the rules, we are going to drop the politics, we are just going to focus on helping people. We aren't going to ask them whether they are rich or poor, Democrat or Republican, Independent; it doesn't make any difference. They are Americans, they are neighbors, they are in need.

Let us get on with the business of being a nation of people who care about those in need. Why then are we going through this exercise? Why haven't we passed the disaster bill to help the victims of the flood in North Dakota and South Dakota and Minnesota, and other places? Unfortunately, it is because some of the leaders here believe that this is the kind of bill that puts pressure on the President. Send him a bill that he has to sign, like a disaster bill, and then like a Christmas tree, put on these ornaments, little things totally unrelated to disasters. "Let's send this to him and, boy, we'll force his hand. No President is going to veto a disaster bill with homeless people. We will force him. We will put a provision in there that says we are going to violate the budget agreement, we are going to set up a new standard here for funding agencies."

What does that have to do with disaster assistance? If you were out of your home, if you had seen all of your Earthly belongings inundated with a flood, if you and your kids were huddled in some shelter, would you really want the Congress of the United States of America to get involved in this kind of political gamesmanship?

Even worse, there is a provision in this bill that relates to the taking of the census. Boy, there's a real timely emergency; we better get on this one. Shoot, take a look, it is only 36 months from now that we are going to have to deal with it; 36 months away we are supposed to take the census. The Republican leadership said, "Let's put a provision in this bill that will force the hand of the Federal Government when it comes to taking the census."

This is sad. This is really sad for so many people who have been victimized by this flood to now be victimized by politics on Capitol Hill. And it is outrageous. Senator DORGAN is correct, let us not violate the standard which we have established which says when there is a disaster and a need in America, we will rally behind the victims, our neighbors, our fellow Americans regardless of party label, regardless of agenda.

We are losing it in this debate because the Republican leadership insists on amendments to this bill which have nothing to do—nothing to do—with disaster victims.

I salute my colleague for his efforts. I tell you, I have been there, and I know what it means to go home weekend after weekend and see these families struggling, looking at homes that have been inundated with floodwater and mud, everything in their life washed away—the wedding pictures, everything, it's gone—and then to have to tell them, "I'm sorry, another week has gone by and Congress has not met its responsibility."

I salute my colleagues. Let us hope that just for one brief shining moment that this body will rise above politics and support your effort to bring a clean disaster bill to the table, pass it today, pass it in the House, move it on to the President and get it signed this evening. We can then say to the people huddled in those shelters worried about their future and what they have been through that we have met our responsibility. I thank the Senator.

Mr. DORGAN. Let me make two additional points——

The PRESIDING OFFICER. The Senator from North Dakota has 2 minutes, 15 seconds remaining.

Mr. DORGAN. Let me make two additional points before I propound the unanimous-consent request. I ask unanimous consent for an additional 2 minutes.

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

Mr. DORGAN. Mr. President, let me read an editorial from this morning's Fargo Forum, North Dakota's largest newspaper in the Red River Valley. It is, in most cases, a conservative voice. Here is what they say about what is going on, how they observe what is going on in Congress:

> The result [of all of this] is to aggravate the tragedy of the flood by extending uncertainty about relief. Last week, community leaders from Grand Forks and East Grand Forks, Minnesota—many of them longtime, loyal Republicans—urged Congress to quit fooling around with the lives of flood victims. Clean up the disaster bill, they said, so the president can sign it.
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> Their words were ignored. Instead, Republican congressional leaders and the two governors tried to shift the blame for delays on the president. In a callous display of partisan arrogance, they said his veto would be the delay, not the amendments.
>
> It won't fly here in the Red River Valley—
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> The Fargo Forum says—
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> where people are trying to put their homes, businesses and lives back together.
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> The president made it clear weeks ago: Unless the disaster aid bill was clean, he would veto it. Nevertheless, Republican leaders fouled up the legislation with unrelated riders, knowing the president's veto was certain. So instead of considering the crucial needs of valley flood victims, they opted for a purely partisan agenda. The onus is on them.
>
> Apologists for the GOP leadership insists adding unrelated matters to popular bills is routine. Maybe so.
>
> But the flood of this century in the valley is not routine. A disaster of such magnitude is not routine. The pain and destruction are not routine. The short construction season for rebuilding is not routine. Surely, the least flood victims can expect is for Congress to put aside its routine nonsense when circumstances are this extraordinary.

This from the Fargo Forum, not a liberal newspaper, normally speaking for conservatives.

Finally, this point. There are those here who say it doesn't matter that we

have messed around with this bill because there is money in the pipeline; no one is being disadvantaged. I heard them spin that yarn for weeks.

We kid people in our part of the country about whoppers. You know the whoppers: Yes, I won this belt buckle in a rodeo riding bulls; my pickup truck's paid for. Now I heard this other whopper: There's money in the pipeline. Tell that to the folks in Grand Forks.

There is a woman living in a tent right now in Grand Forks with her family. There was a woman in the newspaper yesterday, she and her family are out of work and have been out of their home for 5 weeks living in a camper trailer, and they don't know when they are going to get back to their home and she doesn't know when she will have another job. Tell it to them, that there is money in the pipeline.

Better yet, get on a plane and go out there and try to live on that money in the pipeline. The money doesn't exist except in this bill, and the bill must get passed and must be a clean bill so this aid goes to disaster victims, and it ought to be done now. It can be done simply. I introduced a bill yesterday, and I will call it up now by unanimous consent, and if there is objection, it means the Congress will not allow a clean disaster bill to pass. If not now, when?

Let me call up a clean disaster bill where we take out the census issue and the Government shutdown issue and send this bill, as it was written by the Congress, to the President for signature.

Mr. President, I ask unanimous consent to proceed to Calendar No. 18, H.R. 581, and that all after the enacting clause be stricken and the text of S. 851, the clean disaster bill, be substituted in lieu thereof; that the bill be read a third time and passed; and that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Is there objection?

Mr. THOMAS. There is an objection. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THOMAS. Mr. President, the Senators both know there are negotiations going on now. This performance on the floor does not help at all. Our leaders are talking to your leaders. They are working toward doing it. As a matter of fact, if you want to carry on this thing, there may be some time where you can do it this evening. The fact is, this is not the way to solve the issue. The leaders are meeting, and I object to the request.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I understand under a previous order that I have 30 minutes under my control at this time.

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. I thank the Chair.

Mr. President, first, I rise on another topic, but I want to say to the Senator from North Dakota that I fully empathize and sympathize with him on his position. The flood about which my colleague from Illinois spoke a few minutes ago is the same flood that devastated Iowa in 1993. This Congress and the President came to the assistance of the people of Iowa in a very rapid measure. To this day, the people of Iowa talk about how rapidly the funds got out there, the Government was there to help. And the same thing should apply to any disaster anywhere. And it should apply in North Dakota also.

I want to say to my colleague from North Dakota, he is right on the mark. This legislation ought to get through. The money ought to be sent out without all these other political ramifications. So I appreciate the Senator from North Dakota. Again, his position is the correct one. We ought to get the money through here. And we should not be loading it down with political considerations.

THE COMPREHENSIVE TEST BAN TREATY AND THE 34TH ANNIVERSARY OF PRESIDENT KENNEDY'S CALL FOR THE VIGOROUS PURSUIT OF PEACE

Mr. HARKIN. Mr. President, I take the floor today with a couple of my colleagues to note a very important anniversary.

Mr. President, 34 years ago today, on June 10, 1963, President John F. Kennedy delivered a historic address at American University here in Washington, DC, regarding the need for the vigorous pursuit of peace. He declared that the United States has a critical interest in limiting the testing of nuclear weapons. We wanted to mark that occasion today by talking about the need to continue that progress and to bring to completion President Kennedy's dream and goal of the Comprehensive Test Ban Treaty.

I yield at this time to my colleague from Illinois for his unanimous-consent request and for any comments he wants to make.

I reserve the balance of my time.

The PRESIDING OFFICER. Is there objection? The Senator from Illinois.

Mr. DURBIN. Thank you Mr. President.

PRIVILEGE OF THE FLOOR

I ask unanimous consent that privileges of the floor be granted to the following members of my staff, Thomas Faletti and Robin Gaul during the pendency of this debate.

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

Mr. DURBIN. I want to thank my colleague from Iowa, Senator HARKIN, for reminding us of this important and historic anniversary. President John Kennedy's speech to American University in 1963, really I think demonstrated a vision of the future which no one believed at the time was really within our reach. We expect leaders in America to challenge us, to think ahead, and to think of a different world, a better world. Certainly President Kennedy did that at American University.

In the midst of the cold war, when it was starting to heat up with nuclear missiles being built at great expense in the Soviet Union and the United States, President Kennedy challenged the United States to think of the vision of a world that was a world of peace, a world where the leaders in countries like the United States and Russia would be focusing their resources on good and positive things rather than weapons of mass destruction.

We have tried through the Comprehensive Test Ban Treaty to reach a milestone on the road to the total abolition of nuclear weapons. This treaty prohibits all nuclear weapons test explosions or other nuclear explosions anywhere in the world.

It is verifiable. We have a global network of monitoring facilities and on-site inspections to make sure that each country lives up to its terms.

President Bush, obviously a Republican leader, initiated a test moratorium in October 1992. President Clinton continued it, and then signed the Comprehensive Test Ban Treaty last year, along with 125 other world leaders. It has been endorsed by the United Nations. Now it must be ratified by the United States. The Senate must put its approval on this notion that we are going to eliminate nuclear weapons testing as part of a global plan to bring real peace to this world. Forty-three other nuclear-capable countries must face that same responsibility.

Why should we do this at this point in our history? Are we not making enough progress? Do we really need this? I think the answers to these questions demonstrate why we are here on the floor speaking to this issue. The Comprehensive Test Ban Treaty would curb nuclear weapons proliferation worldwide.

What does it mean? Not just those nations currently in possession of nuclear weapons, but those that dream—unfortunately dream—of being nuclear powers, they would be held back, too. Our monitoring devices in the test ban treaty will be at least a discouragement, if not a prohibition against their own nuclear testing to become nuclear powers, to join in some nuclear arms race at a new level different from the cold war.

There is another aspect of this that is so troubling. Fully $1 out of every $3

we spend each year now in the United States on what we call the nuclear weapons program is money spent to clean up the mess, the environmental degradation that is left over from our nuclear program. If we stopped the testing and put a halt to the construction of these weapons, we are going to protect our environment, and future generations will certainly be happy to hear that. It saves taxpayer money. And, it is supported by a majority of Americans. In fact, over 80 percent of the American people think it is time for us to do this.

The U.S. nuclear arsenal has consumed about a quarter to a third of all of our defense spending since World War II. I will not recount all the dollars involved; and I am sure my colleagues will during the course of this debate. But, we have put ample resources in this program. We must be reminded over and over again of the words of President Dwight Eisenhower, no dove, our leader in World War II, who stood up and reminded us that every dollar spent on weaponry, every dollar spent in this case on nuclear weaponry, is a dollar not spent on the education of a child, on nutrition for a child at risk. These are things which should be constant reminders of the need to resume this debate.

Despite the end of the cold war and the collapse of the Soviet Union, the United States currently spends at least $33 billion a year on nuclear weapons and weapons-related activity—about 13 percent of our defense budget. These costs continue even though no new warheads or bombs have been built since July 1990.

Nuclear weapons testing has stopped since September 1992. And the size of the nuclear stockpile, because of negotiations, has gone down dramatically; yet, still $33 billion a year right up on the cash register out of the taxpayers' pockets into a nuclear program. And for what? Unfortunately, a third of it, as I said, is used for environmental cleanup. And that should be done. But so much more is being used to maintain and upgrade existing weapons and retain the capability to produce new ones.

Let us realize the vision of President Kennedy, a vision which 34 years ago challenged Americans to think beyond the current cold war in those days to the future, to a future free of nuclear weapons to a more peaceful world.

I am happy to join with my colleague from Iowa, Senator HARKIN, on the floor. And I thank him for reminding us of a commitment made of a vision expressed 34 years ago. It is time for this test ban treaty to be ratified by the United States for a safer world, for ourselves and our children.

I yield back to the Senator from Iowa.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. I thank my colleague from Illinois for his very eloquent remarks and for reminding us of just how much we are spending. Even yet today, to maintain this nuclear stockpile, the United States spends roughly $30 billion a year. That is just about three times the amount that we are spending on all medical research at the National Institutes of Health, to find the causes and cures of things like heart disease, cancer, and Alzheimer's, diabetes, Parkinson's disease. Three times what we are spending on this arsenal than all medical research. We are trying to come up with money for NIH.

We had a sense-of-the-Senate resolution last week—98 to 0—to support a doubling of funding for NIH. That would bring it up to about $25 billion a year, not even up to this level. Yet we do not have the money to even get about a 4 or 5 percent increase at NIH.

I thank the Senator from Illinois for his eloquent comments.

I want to also yield to the Senator from Rhode Island for his comments on this topic and thank him for being involved in this discussion on the floor of the Senate. This is an important anniversary. It must be noted. And we must mark it as hopefully the last anniversary in this long journey to get a Comprehensive Test Ban Treaty.

I just say to my friend from Rhode Island and my friend from Illinois, that President Kennedy during that famous speech, 34 years ago today, at American University, called for an end to nuclear testing, and then proceeded to negotiate with the then-Soviet Union and others for a ban on atmospheric testing. Four months later this Senate ratified a ban on all atmospheric testing—4 months. And then here we have been 34 years to get to a comprehensive test ban.

So if they could do that in 4 months, I would think now, certainly before the end of this year, we could bring this to a closure.

I yield to my friend and my colleague from Rhode Island.

Mr. REED. I thank the Senator for yielding. I commend him for his leadership on this important issue. And I also want to commend my colleague from Illinois for his very eloquent statement on this very important topic.

I join my colleagues today in urging the administration to submit the Comprehensive Test Ban Treaty to the Senate for its consideration and, hopefully, ratification. On this day in 1963, President John F. Kennedy delivered his famous address to the graduates of American University. He made his famous call for peace for all time. He was then searching for a solution to a tense nuclear standoff. He stated in that speech:

> Today the expenditure of billions of dollars every year on weapons acquired for the purpose of making sure we never need to use them is essential to keeping the peace. But surely the acquisition of such idle stockpiles—which can only destroy and never create—is not the only, much less the most efficient means of assuring peace.

Mr. President, today we have an alternative means of assuring peace. After years of negotiations and false starts, 60 countries have approved the text of the Comprehensive Test Ban Treaty which would prohibit all nuclear weapons test explosions or other nuclear explosions anywhere in the world.

This treaty would prevent deployment and impede the development of these deadly weapons. It would not enter into force however until ratified by all 44 states which possess nuclear power, including the five countries which have harnessed this power to make nuclear weapons. Its comprehensiveness would reassure the 177 nonnuclear weapons states that nuclear proliferation is waning, thus eliminating the need of these states to develop their nuclear capability.

The Comprehensive Test Ban Treaty clearly has one purpose: To end the arms race and prevent the proliferation of weapons of mass destruction. It seeks to accomplish its goal in an objective and fair manner.

The membership of the executive council, the treaty's principal decision-making body, will be distributed evenly throughout the world.

An international monitoring system will use scientific methods to detect and identify prohibited nuclear explosions. A network of seismic, hydroacoustic, and radionuclide monitoring stations will continuously collect and analyze data to ensure global compliance.

A consultation and clarification regime will provide state parties with the opportunity to address accusations of noncompliance before an onsite inspection is ordered. And any state party which demands a frivolous or abusive inspection may be subject to punitive measures.

How can the United States not take the lead in this cause? If we ratify this treaty, others will follow. Imagine a day when world peace is not decided by the size of nuclear stockpiles, but rather by the will and wishes of the people of the world. This treaty is the next step toward that reality.

Mr. President, in his book of several years ago, "The Good War," author Studs Terkel presented an oral history of those touched by World War II. He spoke with many individuals whose lives were shaped by the bomb. Indeed, he spoke with survivors of Hiroshima, who still do not talk about the events of August 6, 1945, without breaking down.

He spoke with an American sailor who swam in the waters of the Marshall Islands the day after a test explosion. He died of cancer before the book was published.

But perhaps Terkel's most disturbing chapter is his last, when he interviewed some children, aged 11 to 15, on a Chicago street corner in 1965.

One child, Sam, stated, "I hope I can die of old age, before the world starts THE war." Ethel then chimed in, "I wanna see if I'm gonna grow up first. I mean, I might not live to be grown up. Cause I don't know when my time is up * * * I never know if I could die overnight from the bomb or something." And finally Raymond said, "This might sound crazy, but I'd like to see a world without bombs. I mean without wars. It would be a lot bigger, the world. Maybe we could enjoy it more. Get a lot out of life, without worrying you would be blown up tomorrow."

Mr. President, generations growing up after World War II were haunted by the specter of annihilation by nuclear weapons. We now have an opportunity to rid these fears, the fears of our children, forever. The American people want this treaty. Over 80 percent of the public support its ratification. It is incumbent upon us to consider this treaty and to ratify it, to put to rest once and for all the specter of nuclear annihilation.

I yield back my time to the Senator from Iowa.

The PRESIDING OFFICER (Mr. SESSIONS). The Senator from Iowa.

Mr. HARKIN. I thank my colleague.

Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 20 minutes.

Mr. HARKIN. I thank the Chair.

I thank my colleague from Rhode Island again for continuing to be involved in this discussion, for his leadership in the House and now in the Senate on the total issue of arms control and especially on the issue of the test ban treaty.

Mr. President, let me continue for a little bit to talk some more about the aspects of this treaty and why it is so important that we ratify it this year.

Again, to recap, 34 years ago today, on June 10, 1963, President Kennedy made a historic speech at American University here in Washington, DC. He talked about the need for a test ban treaty to limit the number of nuclear weapons tests. Four months after that, President Kennedy negotiated with the Soviet Union, signed and secured ratification from the United States Senate for the limited test ban treaty that banned all atmospheric tests of nuclear weapons. So, since October 1963, the two nations have had no atmospheric tests of nuclear weapons.

But President Kennedy's goal was not just atmospheric tests. His goal was to ban all nuclear weapons tests. As President Kennedy said on June 10, a comprehensive test ban treaty "would check the spiraling arms race in one of its most dangerous areas. It would place the nuclear powers in a position to deal more effectively with one of the greatest hazards * * * the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war." That is a quote from President Kennedy's speech at American University 34 years ago.

Mr. President, completion of a global nuclear test ban treaty negotiations has been a central nuclear arms control objective for more than 40 years. This long-awaited goal was finally won just last September, September 24, 1996, when the United States and other countries signed the Comprehensive Test Ban Treaty, the CTBT as it is called, a treaty consistently supported by more than 80 percent of the American public.

Now, we in the Senate must ensure that the Comprehensive Test Ban Treaty is ratified here in the Senate and by 43 other nuclear-capable countries so that it formally enters into force.

The Comprehensive Test Ban Treaty is a major milestone in the effort to prevent the proliferation of nuclear weapons. It would establish a permanent ban on all nuclear explosions in all environments for any purpose. It's zero-yield prohibition on nuclear tests would help to halt the development and deployment of new nuclear weapons. The treaty would also establish a far-reaching verification program that includes a global network of sophisticated seismic, hydro-acoustic, radionuclide monitoring stations, as well as on-site inspection of test sites to deter and detect violations.

I might just add here, Mr. President, one of the important reasons for getting this treaty ratified as soon as possible is that under this regime, newly emerging nations that may be wanting to develop a nuclear weapon will find it thousands of times more difficult to do so. I will not put myself in a position of saying it will be absolutely impossible, nothing is 100 percent perfect, but many of these smaller nations that may want to have a nuclear weapon are going to need a small nuclear weapon. They will need some of the latest technology in order to have it delivered in a vehicle that they have in their possession or that they might soon acquire. To do that would require testing. If they cannot do the testing, then they cannot acquire the latest technology in nuclear weapon design and construction.

Mr. President, in 1991, the Soviet Union announced a unilateral nuclear weapons test moratorium. In 1992, the House and Senate passed legislation establishing a 9-month U.S. moratorium with restrictions on the number and purpose of any further U.S. tests and a prohibition on U.S. tests after September 30, 1996, unless another nation conducts a test.

In 1993, President Clinton, with advice from the armed services, the nuclear weapons laboratories, and the Energy Department, determined that the U.S. nuclear arsenal was safe and reliable without further testing. On July 3 of that year, he announced he would extend the test moratorium and agree to begin multilateral test ban negotiations in January of 1994.

The Comprehensive Test Ban Treaty was negotiated over more than 2 years at the 61-nation Conference on Disarmament in Geneva. A key turning point occurred in 1995, when our Nation's leading nuclear weapons scientific advisors concluded that our nuclear weapons stockpile is safe and reliable and that even low-yield weapons tests are unnecessary, even the so-called safety tests intended to guard against defects that could lead to accidental warhead detonations.

Spurred by the independent JASON scientific group's report that the United States nuclear arsenal is safe and reliable without testing, and spurred further by the international outcry when the French resumed nuclear testing after a 3-year hiatus, the United States and France then adopted a zero-yield test ban position in the nuclear weapons test ban talks.

So, by August 1996, the negotiations produced a final nuclear weapons test ban treaty text supported by all countries except one, all countries except India, and India sought to include in the treaty a timetable for eliminating all nuclear weapons and, again, India would find its own nuclear weapons development program limited by a ban on testing. So, to overcome one nation's opposition, Australia proposed—and more than 100 other countries supported—a resolution endorsing the Comprehensive Test Ban Treaty, a zero-yield test ban, which was submitted to the U.N. General Assembly and passed by the overwhelming margin of 158–3 on September 10, 1996.

Now, for the Comprehensive Test Ban Treaty to formally enter into force, it must be ratified by 44 named signatory nations, including the five declared nuclear weapons states and the three undeclared nuclear weapons states—India, Israel, and Pakistan. The U.S. ratification requires, of course, a two-thirds vote by the U.S. Senate. However, until the Comprehensive Test Ban Treaty does enter into force, all signatories, including the United States, are bound by article XVIII of the Vienna Convention on Treaties not to undertake any action that violates the purpose or intent of the treaty. In other words, the signatory nations shall not test nuclear weapons.

That is sort of the recent history. Now, what is the next step? Well, several key steps must now be taken. Before the Comprehensive Test Ban Treaty can be considered by the Senate Foreign Relations Committee and the full Senate, the Clinton administration must submit the articles of ratification and must reach agreement with the

Senate leadership to begin formal consideration of the treaty. The treaty must also become a priority for the administration and for the U.S. Senate. The Foreign Relations Committee of the Senate and the Senate in its whole must then proceed with a thorough examination of the treaty and to vote on it. In the end, I believe the Senate will agree that ratification of the treaty is in our country's national security interests just as President Kennedy said 34 years ago today.

The Senator from Illinois mentioned that conservatively we are spending about $30 billion a year now to maintain our nuclear stockpile. I wondered how much we had spent over the intervening years. It turns out that from right after the end of World War II until now, the United States has spent more than $300 billion —that is billion with a "b"—$300 billion, about a third of a trillion dollars, for nuclear weapons and nuclear weapons materials. That does not include the cost of all the delivery vehicles—that is, all of the missiles, the silos we build, the Minutemans and the Titans—and it does not include the cost of all the B-52 bombers, the B-47 bombers, the B-2 bombers, and the B-1 bombers. It does not include that. It does not include the cost of all the submarines, all the Polaris and later the Trident submarines. That probably would come to hundreds of billions more. I am talking just about nuclear weapons material alone, and the weapons themselves—$300 billion approximately that we have spent, and now about $30 billion a year. As I mentioned earlier, Mr. President, that is 2½ times what we are spending on all medical research in the National Institutes of Health. We are spending 2½ times every year to maintain the nuclear stockpile than we are spending on all biomedical research through the National Institutes of Health. That is not right, and that is why it is time to conclude the Comprehensive Test Ban Treaty.

President Kennedy said 34 years ago today that the negotiations for a ban on above-ground nuclear tests were in sight, and he implored the Nation and the international community to bring that treaty to a conclusion. As I said, 4 months later, the agreement was reached and the atmospheric test ban treaty became a reality—in just 4 months at the height of the cold war.

The Soviet Union no longer exists. We have relations with Russia, open relations. We visit their military establishments; they visit ours. We now have an agreement where they will be an adviser to NATO. Well, now it is time for us to conclude the Comprehensive Test Ban Treaty. It has been around a long time. Now we are at the point where we can bring it to its final conclusion.

President Clinton must adopt the same attitude that President Kennedy adopted in 1963. He must insist on a quick closure, to make it a top priority of his administration to get the Comprehensive Test Ban Treaty ratified by the Senate this year. It is in our best interests. It would help secure our planet from nuclear threats. It would go a long way toward ensuring that newly emerging nations do not get their hands on the nuclear trigger and would begin the process of getting rid of, over a period of time, the nuclear stockpiles that we have and saving all of that money that we are now spending and, hopefully, putting that money into important endevors such as medical research.

Well, the end is in sight. We soon can have in hand a comprehensive ban on all nuclear weapons tests.

Mr. President, sometimes it boggles the mind to think of how many nuclear tests we have had in the past. Nuclear tests worldwide, underground tests, 1,517, with the United States doing 815, the old Soviet Union doing 496, France doing 160, Britain 24, China 22, and India 1.

Atmospheric testing: 528 atmospheric tests prior to 1963, with the United States doing 215, the Soviet Union doing 219, France doing 50, Britain, 21, and China, 23. Total, all tests: 2,046.

A sad, sad chapter in the history of humankind; a terrible toll that it has taken not only economically from America and other countries by what we have spent, but I think it has taken a terrible toll environmentally.

Much of the money that we spend now through the Department of Energy for our nuclear weapons stockpile is spent on cleaning up the mess that was made, first, through the production of nuclear materials; second, through the refining of these nuclear materials, and the processing; third, through the storage; and, of course, fourth, through the underground testing.

So we are spending today, and we will continue to spend in our lifetimes, billions of dollars just to clean up the mess that has been made.

There is another mess that has been made that we are paying for dearly. All those atmospheric tests that I mentioned—528 of them—each and every one of those produced in the atmosphere large amounts of plutonium and other toxic materials. I have seen estimates that tons of plutonium were released during all of these tests into the atmosphere, in the food chain, and in sea life. The half-life of plutonium is tens of thousands of years. And, yet, we know it is one of the most carcinogenic materials known to mankind. One microscopic piece of plutonium can cause cancer.

Who knows how much plutonium is embedded into the ground and into the soils from the underground tests, how much of that plutonium may find itself to underground aquifers later on in the evolution of our planet?

We are paying a terrible price for this sad chapter of our history. We shouldn't pay the price any longer. Now is the time to end testing once and for all and close the books on it.

I call upon President Clinton to make this a priority of his administration this year. I call upon the majority leader of the Senate and the minority leader of the Senate to make it a priority for the U.S. Senate this year that we debate and vote on the comprehensive test ban treaty. I call upon the chairman and the vice chair of the Senate Foreign Relations Committee, as soon as the President sends this down, to take it up, to investigate it, to debate it fully, and to vote on it and report it to the floor of the Senate.

This must be a priority. We must do it this year. Let's make this 34th anniversary of President Kennedy's speech at American University the last anniversary before we have a completion of what he called a ban on all nuclear testing.

Mr. FEINGOLD. Mr. President, I rise today to join with my friend, the Senator from Iowa [Mr. HARKIN], in marking the anniversary of President John F. Kennedy's historic speech on nuclear disarmament. It was in that speech, given June 10, 1963, at American University, that President Kennedy announced the initiation of negotiations for a comprehensive ban on nuclear tests. I am pleased to see that now, 34 years later, a comprehensive test ban is on the verge of becoming reality.

I am a strong supporter of the Comprehensive Test Ban Treaty [CTBT] as a way to curtail nuclear proliferation. This treaty, once it is ratified by the 44 actual or potential nuclear powers, will ban all nuclear explosions no matter how small. In 1993, I cosponsored legislation that extended our moratorium on nuclear tests and called on the United States to end all testing by the year 1996. That bill passed and the United States' unilateral move to stop testing has shown our commitment to a worldwide ban on nuclear explosions. As we all know, the CTBT won approval in the U.N. General Assembly last September and, just days after the U.N. vote, President Clinton signed the treaty on behalf of the United States. More than 100 other nuclear and nonnuclear states have also signed the CTBT.

Mr. President, the CTBT will act as an essential complement to the nuclear Non-Proliferation Treaty and will help end the threat of nuclear war. By prohibiting nonnuclear states from developing atomic weapons, the Non-Proliferation Treaty has greatly enhanced global security since it was first signed back in 1968. The CTBT, by prohibiting nuclear testing, will provide further assurance that no additional states will develop nuclear weapons. The world will undoubtedly be a safer place once

all nuclear explosions, even underground ones, are permanently outlawed.

Since President Kennedy first initiated test ban negotiations, the United States has taken the leading role in ending nuclear testing. We must maintain this momentum. I urge the President to submit the CTBT to the Senate for its advice and consent at the earliest possible date and then I would hope the Foreign Relations Committee would take it up for consideration soon thereafter. The United States should continue its leadership by ratifying the CTBT. We should demonstrate that our commitment to a nuclear test ban is as strong as ever.

Mr. JEFFORDS. Mr. President, it gives me great pleasure to join my colleagues today in marking the 34th anniversary of President Kennedy's historic call for negotiations aimed at reducing the risk of nuclear war.

President Kennedy's June 10, 1963, address at American University marked the beginning of serious international efforts to limit the nuclear arms race and to avert the nightmarish possibility of a nuclear war. His initiative resulted a few months later in the Limited Test Ban Treaty, which brought about the first pause in the nuclear powers' efforts to construct bigger, better, and more nuclear weapons.

It's worth noting that President Kennedy's objectives were more ambitious. He had hoped to enact a comprehensive nuclear test ban, but was unable to win agreement for such a bold step. Now, more than three decades later, we have an opportunity to realize this objective.

Following several years of negotiations in the U.N. Conference on Disarmament, the Comprehensive Test Ban Treaty [CTBT] was completed and opened for signature in September 1996. Since then, over 140 countries have signed the document, including all five declared nuclear weapons states. For the treaty to enter into force, 44 key signatories, including the United States, must ratify the agreement prior to September 1998.

Mr. President, over the past few years I have had the privilege of participating on a steering committee of a project organized by the Henry L. Stimson Center on Eliminating Weapons of Mass Destruction. The objective of the group, which included such authorities on foreign policy and national security as Gen. Andrew Goodpaster and Ambassador Paul Nitze, was to consider concrete measures the United States could undertake to work toward the long-term goal of a world free of nuclear weapons. In our third and final report, released in March, we laid out several steps President Clinton and Congress can take now to ensure that future generations are safe from the threat posed by weapons of mass destruction. Ratification of the CTBT was one of the three most urgent measures we recommended.

Enactment of a comprehensive test ban would do more to stem proliferation and reduce the nuclear threat than any other action we could take at this time. The details of the CTBT are technical and complex but the effect of the treaty is pure and simple: it would ban all nuclear test explosions. Not only would this constrain the development of more complex weapons but it would also protect our environment.

The United States already has a moratorium in effect on nuclear weapons tests and has not conducted such a test since 1992. It's time to make this moratorium permanent and ensure that others follow suit.

The administration has indicated its intent to present the CTBT to the Senate for advice and consent. However, to date it has not done so. I appreciate that the treaty is likely to be controversial in some quarters and that the Senate has only recently concluded a hotly contested debate on another important arms control treaty, the Chemical Weapons Convention [CWC]. However, one of the problems we faced with the CWC was that it was not brought before the Senate as quickly as it could have been. For that and other reasons, we found ourselves in late April facing a deadline affecting our participation in the treaty.

Let's not put ourselves in that position again. Let's begin the debate on the treaty now so that our decision on ratification—which I fervently hope will be a positive one—can serve as a signal of encouragement to other countries.

Thirty-four years ago today, President Kennedy called on us to pause and consider the effects of a devastating nuclear conflict. He put us on a path to eliminating this threat. Let's honor his memory by fulfilling one of his grandest objectives. Let's act on and ratify the Comprehensive Test Ban Treaty.

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

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MURKOWSKI. 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 Alaska.

Mr. MURKOWSKI. I thank the Chair.

GREAT OUTDOORS WEEK

Mr. MURKOWSKI. Mr. President, I would like to chat a little bit about recreation in America today and announce that Great Outdoors Week for 1997 began on Monday of this week.

From America's vast forests to her mighty rivers, to her majestic mountains, plains, and valleys, there is the recognition that this Nation is truly blessed with national and natural beauty beyond comparison. As a consequence, it is no wonder that our Nation and our national consciousness are defined in no small part by the great outdoors that we all enjoy.

Coming from my State of Alaska—which is, at least as far as I am concerned, America's premier outdoor State—I have lived near and experienced some of nature's greatest handiwork. I have fished, hunted, sailed, hiked, and camped in probably the best places on Earth.

So it is with great pleasure that I come before my colleagues to announce Great Outdoors Week for 1997.

The recreation community is in Washington this week to host a number of activities to remind those of us inside the beltway that outdoor recreation is a good thing for people, for communities, for the economy, and for conservation. Great Outdoors Week will bring together many people and groups who really care about America's great outdoors. Federal, State, and local officials, recreation enthusiasts, outdoor media, recreation associations, and the recreation industry will all take part in the events scheduled for this week.

I met last night with the Recreation Vehicle Industry Association—the manufacturers and the suppliers of recreation vehicles. There were some 250 to 300 people in the Russell rotunda at a very, very outstanding reception to kick off Great Outdoors Week for 1997.

Mr. President, as on outdoorsman and chairman of the Senate committee with responsibility for our Nation's public lands, I am also going to take an active role in the other events scheduled for this week.

The work of the Committee on Energy and Natural Resources touches the lives of Americans in many ways but few ways more visible than in our oversight of the Nation's great outdoors. Great Outdoors Week really gives us an opportunity to focus on the value of recreation in our lives, and how we can do a better job of encouraging people of all ages to enjoy America's natural and national splendor.

The great outdoors is the main focus of our national recreation initiative. The acronym is REC, and it stands for three goals: reinvigorate, enhance, and conserve.

To reinvigorate and rebuild our national parks, forests, and other Federal lands that provide diverse recreation opportunities.

To enhance the visits Americans make to our public land legacy through improved access, facilities, and services.

To conserve America's natural resources that provide recreation opportunities, particularly through wildlife

habitat restoration and protection. It also includes areas in our urban centers with strategies to protect open space, rivers, lakes, and to link parks and trails.

Last year, we passed the largest parks and conservation public lands bill that has passed this body since the 1940's. Containing 119 pieces of legislation, the bill increased park boundaries, designated historical trails and wild and scenic rivers, protected sensitive lands, and benefited virtually every State in this Nation.

It also protected the Presidio in San Francisco, one of the finest recreation areas in our country, by establishing a new management system which takes advantage of private sector expertise, contribution, and finance.

It will also create the National Recreation Lakes Study Commission. This is a nine-member panel which will examine the demand for recreation at federally managed lakes and reservoirs and help develop plans with the private sector to maximize recreational opportunities. A report is due next year, and we may write legislation to increase opportunities in this area.

Thankfully, after I wrote to the President last week, he told me that he will name the remaining four members of the nine-member commission this week so that they can get down to work.

On April 25 of this year, we held a seminar on outdoor recreation trends and benefits.

This Wednesday we will hold an oversight hearing on the stateside program of the Land and Water Conservation Fund. We will hold additional oversight hearings on other aspects of the outdoor recreation capabilities. At least one of them will be a field hearing out West. The committee report, hopefully, will follow.

Putting our heads together, we can decide what the Federal Government can and should do to reinvigorate, to enhance, and to conserve America's outdoors.

Our national parks—our Nation's crown jewels—are losing some of their luster. We need to ensure that all Americans can enjoy and be proud of our parks system for years to come.

We have at least an $8 billion backlog in unfunded projects and programs.

Yellowstone needs about $300 million in road repairs.

Yosemite needs $178 million in repairs after January's floods.

Each year, another 1 percent of the National Parks Service roads fall from fair to poor or failing.

We are working to leave a legacy everyone can be proud of—a new, reinvigorated, world-class National Park System.

Mr. President, an expanded fee demonstration program, major concession reform, a bonding initiative, and additional private-sector sponsorships are all under consideration in this Congress. Our system of parks includes State and local parks as well. Capital needs of State and local recreation systems for 1995–99 are over $27 billion, according to the National Recreation and Parks Association, but we have a problem. The stateside Land and Water Conservation Fund has been shut down.

Over 30 years ago, in a bipartisan effort, Congress and the President created the Land and Water Conservation Fund referred to as the LWCF. It is funded primarily by offshore oil and gas revenues which now exceed $3 billion. My committee has authorized land and water conservation funding to the year 2015 with an annual ceiling of $900 million.

The LWCF stateside program promotes a unique partnership among Federal, State, and local governments. It provides matching grants that enable State and local governments to create recreation facilities, parks, and playgrounds. Because they are matching grants, they double the impact.

The stateside LWCF program has helped finance 37,500 national parks and recreation projects—campgrounds, trails, playgrounds, recreation centers, and gyms. It has also helped in my State of Alaska. We have had a number of very effective State and local parks which received a stateside LWCF grant. The demand continues to increase. As a matter of fact, in fiscal year 1995 over $600 million was requested.

But I want to explain very briefly, Mr. President, that the recent balanced budget agreement between that the administration and the congressional budget negotiators provided $700 million over 5 years for the Federal side of the Land and Water Conservation Fund. That is the portion of the fund used for land acquisition by the Federal land management agencies. The administration wants $315 million of that to buy Headwaters Forest and the New World Mine. This is not what LWCF was designed to do. The remaining $385 million, according to the administration, would be spent for Federal land purchases. That is hardly a State matching program. This means the stateside matching land and water conservation fund program would still remain unfunded.

So what would Americans get for their $700 million? More Federal land acquisitions over the next 5 years chosen by politicians in Washington, DC, rather than the people. State and local recreation projects, the ones closest to the people, get nothing, and that is too bad because those are matching funds and we get twice the bang for the buck. We need to save the stateside Land and Water Conservation Fund program and I have asked appropriators to provide some money to keep the matching grant program alive.

When Congress authorized the Land and Water Conservation Fund, it had two parts. One part dealt with Federal acquisitions. The other provided matching grants for State and local governments to purchase and develop parks and recreation facilities. The administration is trying to abolish the second half, and Congress should simply not let that happen. In fiscal years 1996 and 1997, Congress and the administration simply zeroed out those funds.

Mr. President, let me show you a couple of charts, and I will conclude my remarks. This chart shows the Land and Water Conservation Fund authorizations and appropriations. As one can see, the stateside LWCF appropriations in green have dramatically decreased. Of course, the authorizations have gone way up. What we have here is a dropoff from 1983 to 1995 down to 1996 where there is zero money provided for stateside LWCF matching grants. That is probably the greatest single significance of what the Federal role is. It is in matching, if you will, so that Federal appropriations can come on and the priorities can be addressed in an appropriate manner that represent the will and attitudes of States and local communities.

There is just one other chart that I want to show, and that is the receipts. Where does the money come from? It comes from a dedicated fund, the Outer Continental Shelf areas where revenues now exceed more than $3 billion a year. There is very little from recreation fees. There is some from the motor fuel tax and surplus property sales. The funding for the Land and Water Conservation Fund comes from offshore revenues, but the Appropriations Committee has seen fit to use those funds for other expenditures.

So, Mr. President, during Great Outdoors Week and every other week of the year, I ask that we all remember the value of outdoor recreation to Americans. We are blessed with a great natural bounty. It is our duty to conserve it. As a consequence, I urge my colleagues to reflect on the necessity of having a meaningful stateside Land and Water Conservation Fund program which would provide matching grants benefiting the States and allowing the priorities at hand to be met.

Mr. President, I thank the Chair and I yield the floor.

TRIBUTE TO SENATOR THURMOND

Mr. COVERDELL. Mr. President, it is with great pleasure I come to the floor today to speak about a distinguished colleague and dear personal friend, Senator STROM THURMOND. I, like so many American citizens, have admired the senior Senator from South Carolina for his outstanding service to the United States in this chamber, and for the life he has lived through military service in World War II to his years of teaching, coaching, and practicing law in the Palmetto State.

The accomplishments and achievements which have been a part of Senator THURMOND's life are truly outstanding. Accordingly, his reach across this country, particularly the Southeast, is remarkable. One can go to the Georgia/South Carolina border, traveling along Interstate 20 to Florence, SC, and be driving on the Strom Thurmond Highway. Or one can take a stroll through the U.S. Capitol and walk into the beautiful Strom Thurmond room, so designated in 1991. These are just two of the many facilities named for the distinguished Senator because of his courage and patriotism. He has set a fine example for all Americans—from the students he taught from 1923–28 in Edgefield, McCormick, and Ridge Spring, SC, to the pages, interns, and staffers to whom he has been so gracious, friendly, and helpful since his arrival in the Senate in 1954.

Senator THURMOND has served diligently on the Armed Services, Judiciary, and Veterans' Affairs Committees. He has not only been a champion for his State, supporting such vital missions as those performed at the Savannah River site, but also a leader on security issues for our Nation as a whole. There is no question that his knowledge, understanding, and expertise in military affairs and foreign policy has strengthened our national security and helped to maintain the status of the United States as the world's preeminent military and economic power.

As a soldier, the Senator's record was no less impressive. In World War II, Senator THURMOND volunteered for active service on the day we declared war and flew his glider behind enemy lines during the D-day invasion with the 82d Airborne Division.

Following these heroics, he was awarded 18 decorations, including the Purple Heart, Bronze Star for Valor, and the Legion of Merit with Oak Leaf Cluster. His military service continued as he was promoted to major general in the U.S. Army Reserve in 1959. This is where he continued to serve in distinguished fashion for the next 36 years.

With the rest of his military and political career well documented and chronicled on the floor by my colleagues, I would just like to close now by saying thank you to Senator THURMOND, as a citizen of the United States of America and as a colleague in the Senate. I am honored that I can say I served with you and called you my friend. Moreover, I know that many Americans will join me in commemorating the enduring record you have set and legacy you will leave for future generations.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, June 9, 1997, the Federal debt stood at $5,348,703,813,773.07. (Five trillion, three hundred forty-eight billion, seven hundred three million, eight hundred thirteen thousand, seven hundred seventy-three dollars and seven cents)

Five years ago, June 9, 1992, the Federal debt stood at $3,940,424,000,000. (Three trillion, nine hundred forty billion, four hundred twenty-four million)

Ten years ago, June 9, 1987, the Federal debt stood at $2,296,260,000,000. (Two trillion, two hundred ninety-six billion, two hundred sixty million)

Fifteen years ago, June 9, 1982, the Federal debt stood at $1,072,647,000,000. (One trillion, seventy-two billion, six hundred forty-seven million)

Twenty-five years ago, June 9, 1972, the Federal debt stood at $428,210,000,000 (Four hundred twenty-eight billion, two hundred ten million) which reflects a debt increase of nearly $5 trillion—$4,920,493,813,733.07 (Four trillion, nine hundred twenty billion, four hundred ninety-three million, eight hundred thirteen thousand, seven hundred thirty-three dollars and seven cents) during the past 25 years.

Mr. GRASSLEY addressed the Chair.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. I ask unanimous consent to have 5 minutes as if in morning business and to extend the time.

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

OPPOSITION TO POSSIBLE NOMINATION OF JOHN HAMRE TO BE DEPUTY SECRETARY OF DEFENSE

Mr. GRASSLEY. Mr. President, on May 27 I sent a letter to President Clinton.

In it, I expressed opposition to the possible nomination of Mr. John J. Hamre to fill the No. 2 spot at the Pentagon.

He would be the Deputy Secretary of defense, and it's a big job.

I told the President why I would oppose this nomination—if it's ever made, and I'll give my reasons in just a moment.

But 2 days after writing this letter, the Washington Post ran a story about my opposition to the nomination.

Mr. Hamre was also interviewed.

He attempted to respond to my criticism.

Mr. President, I ask unanimous consent that my letter and the newspaper article be printed in the RECORD.

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

(See exhibit 1.)

Mr. GRASSLEY. Mr. President, I would like to address some of Mr. Hamre's assertions.

First, Mr. Hamre's remarks imply that my criticism is somehow personal.

Nothing could be further from the truth. He is a very likeable person.

But my personal feelings have absolutely nothing to do with my position on his nomination.

What I have tried to do is examine all the facts and then reach a conclusion based on those facts.

These are the facts as I know them.

In 1992, the inspector general [IG] examined the Department of Defense's [DOD] progress payment procedures.

The IG along with legal counsel declared that these policies "resulted in the rendering of false accounts and violations of the law."

The IG told the Department to get on the stick and fix the problem.

The bureaucrats balked.

Under pressure, they finally signed an agreement in March 1993.

In signing this document, they agreed to comply with the law.

One of the persons who signed this agreement was Mr. Alvin Tucker.

Well, 7 months after Mr. Tucker signed the agreement, Mr. Hamre became Comptroller and Chief Financial Officer or CFO.

Well, guess what?

Mr. Tucker became Mr. Hamre's most senior deputy. He became the Deputy CFO.

Mr. President, after becoming CFO, Mr. Hamre did nothing to meet the terms of the agreement and comply with the law.

Instead, he sided with the bureaucrats who were thumbing their noses at the law.

He gave them the green light to keep breaking the law.

He personally reauthorized their illegal operation.

Then, early this year he floated a legislative proposal.

His draft language would have sanctioned the procedure that the IG had declared illegal and that he, Mr. Hamre, had personally authorized.

Mr. President, those are the facts.

In my opinion, Mr. Hamre was attempting to legalize a crime.

Mr. Hamre knew full well his progess scheme was operating outside the law.

Otherwise, why would he feel like he needed some legal cover?

Second, he accuses me of making a mountain out of a molehill.

He claims I am focusing on a "small policy" issue.

I take issue with the notion that this is somehow an insignificant issue.

The statute that Mr. Hamre's progress payment scheme violates is section 1301 of title 31 of the United States Code.

This law embodies a sacred constitutional principle: Only Congress has the power to decide how public money many be spent.

This is the device that Congress uses to control the purse strings.

So, Mr. President, this isn't Mickey Mouse stuff. I'm talking about a constitutional principle.

When a constitutional principle is involved, it's very difficult for me to see the smallness of an issue.

Third, Mr. Hamre claims this is an acquisition issue—not a finance and accounting question.

This is an obvious attempt to deflect responsibility—away from himself.

It's an attempt to make it someone else's problem.

His reasoning is flawed.

If Mr. Hamre thinks this is an acquisition issue, maybe he has abdicated his responsibilities under the law—as CFO.

The CFO's responsibilities are spelled out in the "Money and Finance" section of the United States Code. That's in title 31.

His payment scheme violates section 1301 in the same book—title 31.

It does it by deliberately charging payments to the wrong accounts and then juggling the books to cover it up.

Anyone who thinks this is an acquisition issue needs to consult the law books.

When you go to the law library and locate title 31 and open the book, the subtitle staring you in the face is: "Money and Finance."

Section 1301 lies in a chapter entitled "Appropriations."

Mr. President, misappropriation, mischarging and cooking the books takes Mr. Hamre deep into the realm of money and accounting.

If this is just an acquisition issue, I'll eat my hat.

Fourth, when Mr. Hamre became CFO in October 1993, he declared war on financial mismanagement.

To claim success today, he cites "steep drops in contract overpayments."

Mr. Hamre's claims are not supported by the facts.

The General Accounting Office [GAO] has issued a series of reports on DOD overpayments.

These reports demolish Mr. Hamre's success stories.

The most recent report says Mr. Hamre's progress payments scheme is the biggest, single driver behind overpayments. He's to blame.

That's right, Mr. President, Mr. Hamre's own operations are causing overpayments to happen.

That's exactly what it says on page 12 of the GAO report entitled: "Fixing DOD's Payment Problems is Imperative."

This report is dated April 1997 and has the designation NSIAD-97-37.

GAO reports also say that DOD has no capability to detect overpayments.

Virtually every overpayment ever examined by the GAO was detected by the person who got the check in the mail—the contractor—and not the Government.

In almost every case, overpayments were voluntarily refunded by the contractor who got the checks.

Now, Mr. President, if Mr. Hamre were really serious about eliminating overpayments, why didn't he just shut down the illegal progress payments operation—like the IG asked?

That would have removed the primary source of overpayments.

If Mr. Hamre has no capability to detect overpayments, how does he know whether they are going up or down?

How does he know they are going down, if he doesn't know how many there are?

Perhaps, if overpayments are really going down—like he says, it must mean the contractors have stopped making voluntary refunds.

Maybe they have decided to keep the money. That would help to keep the numbers down.

Mr. President, I will have much more to say about Mr. Hamre in the weeks ahead.

Some of my colleagues have asked me why I oppose this nomination.

I want to be sure they know where I am coming from.

EXHIBIT 1

U.S. SENATE,
Washington, DC, May 27, 1997.

President WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: I am writing to inform you that I am opposed to the nomination of Mr. John J. Hamre to fill the number two position at the Department of Defense (DOD).

Secretary Cohen has recommended that Mr. Hamre be the next Deputy Secretary of Defense.

I am opposed to this nomination because Mr. Hamre has authorized and protected an illegal payment operation.

The procedure in question is the one DOD uses to make progress payments on contracts. Under Mr. Hamre's policy, payments are deliberately charged to the wrong accounts. Then, after the payments are made, DOD attempts to "adjust" the accounting ledgers to make it look like the checks were charged to the right accounts when the money was, in fact, spent some other way. Deliberately charging the wrong accounts and then juggling the books to make them look right is what I call "cooking the books."

Legal counsel has said that DOD's progress payment procedures "result in the rendering of false accounts and violations of Section 1301." Section 1301 is a little known but very important law. It embodies a sacred constitutional principle: Only Congress decides how public money may be spent. Section 1301is the device the Congress uses to control the purse strings.

After the Inspector General declared that DOD progress payment procedures were illegal, the department's Chief Financial Officer (CFO), Mr. Hamre, had a responsibility to institute some reforms. In fact, his senior deputy made a formal commitment to obey the law. But instead of fixing the problem, Mr. Hamre tried to legalize the crime. Earlier this year, he circulated a piece of draft legislation for review and comment. His legislation would have sanctioned the payment procedures that the IG had declared illegal and that he had personally authorized in writing after becoming CFO.

Mr. Hamre's draft bill tells me that he knew full well that his progress payments process was operating outside the law. Otherwise, why was he seeking legal cover?

Mr. President, when I found out about what Mr. Hamre was up to, I went straight to the floor of the Senate to denounce his actions. I did it on two occasions. Once on January 28th (See pages S695-696 in the Record) and again on February 12th (S1265-1267).

I think Mr. Hamre has probably done an excellent job in making a case for the DOD budget before Congress. And that is the John Hamre that most senators know—the one wearing the budget hat. That's John Hamre, the Comptroller. But the budget is just part of his job. He wears another hat. He is also the department's CFO. As CFO, he is responsible for financial management and accounting. This has been his downfall. In the accounting field, Mr. Hamre has done a lousy job. I would give him a grade of F for his performance. The department's books are in a shambles. True, they were that way when he became CFO, but that was four years ago, and they are still that way. The department's books are in such a mess—so much documentation is missing—that they can't be audited as required by the CFO Act of 1990. And the situation is not expected to get much better anytime soon. The IG expects to keep giving DOD disclaimers of opinion "well into the next century."

One reason why DOD keeps flunking the CFO audits is sloppy bookkeeping. DOD refuses to do routine accounting work on a daily basis as transactions occur. And one of the most flagrant examples of sloppy bookkeeping is the progress payment process. As legal counsel said, it results in the rendering of false accounts and violations of Section 1301. Payments are deliberately charged to the wrong accounts and then DOD doctors the books to make them right with the law. With this kind of bookkeeping operation, it's next to impossible to either locate or follow the audit trail.

Mr. President, this is not "mickey mouse" accounting stuff that only "bean counters" need to worry about. This is about the breakdown of discipline and internal controls. That leaves the department's accounts vulnerable to theft and abuse. In recent years, several employees succeeded in tapping into the DOD money pipe undetected, stealing millions of dollars. They were caught as a result of outrageous personal behavior and not because of effective internal controls. How many others are still out there, ripping off the taxpayers?

Under the CFO Act, Mr. Hamre is responsible for "improving internal controls and financial accounting." Because of his personal involvement in the illegal payment process and his failure to clean up the books, I do not believe that Mr. Hamre deserves to be promoted to Deputy Secretary of Defense.

Sincerely,

CHARLES E. GRASSLEY,
U.S. Senator.

[From the Washington Post, May 29, 1997]

OFFICIAL IN LINE FOR NO. 2 DEFENSE POST REBUKED

(By Bradley Graham)

John Hamre, the Pentagon comptroller in line to become the Defense Department's new second-in-command, has come under an unusually sharp attack from Sen. Charles E. Grassley (R-Iowa) triggered by a dispute over how the department accounts for progress payments on contracts.

In a letter to President Clinton made public yesterday, Grassley accused Hamre of having "authorized and protected an illegal payment operation" and announced he would oppose Hamre's expected nomination.

The accounting practice, Grassley said, is symptomatic of the Pentagon's chronically "sloppy bookkeeping." He charged Hamre

had "done a lousy job" revamping the Pentagon's financial management during his four years as comptroller, adding that the Pentagon's books remain a "mess."

Hamre, a former Senate staff member who enjoys widespread favor on Capitol Hill, was stunned and puzzled by the harshness and personal focus of Grassley's remarks. At issue, he said, was just an honest disagreement over a Pentagon contracting practice that dates back several decades.

"The senator has taken an important but small acquisition policy issue and applied it to my entire tenure," Hamre said in a brief phone interview. "I'm sorry he's done that, and I'd welcome a chance to talk about it."

Grassley repeatedly has called attention to the Pentagon's antiquated accounting system, deploring its waste and vulnerability to fraud. Hamre, in turn, declared improvements in controls and methods a top priority when he took over as the Pentagon's top financial officer in 1993. Since then, the Pentagon has reported steep drops in contract overpayments and unmatched disbursements, begun a shift from paper-based to electronic payments and consolidated financial offices.

But what troubles Grassley is the Pentagon's continuing practice of making periodic payments on contracts without correlating them to the work done, a process that Grassley says the Pentagon's inspector general declared illegal in 1992.

"Under Mr. Hamre's policy," Grassley wrote, "payments are deliberately charged to the wrong accounts. Then, after the payments are made, DOD attempts to 'adjust' the accounting ledgers to make it look like the checks were charged to the right accounts when the money was, in fact, spent some other way.

"Deliberately charging the wrong accounts and then juggling the books to make them look right is what I call 'cooking the books,'" the senator added.

Hamre maintains there is nothing nefarious about the practice. He said the system of progress payments was adopted years ago to allow the contractor to avoid having to borrow money, and thus keep project costs down. Whether the Pentagon should move to a more precise billing process now, he said, is a contracting issue, not a financial management one. Just how far Grassley intends to go in thwarting Hamre's accession is unclear. While Defense Secretary William S. Cohen has recommended Hamre for the job of deputy secretary, Clinton has not publicly affirmed the choice.

If the nomination goes to Capitol Hill, Grassley could simply vote against it or, as he has done in previous instances, exercise his senatorial prerogative to block the nomination from coming to a floor vote.

"I don't know what we're going to do yet," a Grassley aide said.

The PRESIDING OFFICER. The Senator from New Jersey.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent I may speak for a few minutes about some concerns about the budget that I have. I understand the chair will be occupied during that time. I therefore ask consent I be permitted to speak.

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

VIOLATING THE BUDGET AGREEMENT

Mr. LAUTENBERG. Mr. President, I rise to express some concerns that I have about recent developments that are occurring in the House of Representatives related to the budget. It was just a few nights ago, a few evenings ago, that we got a conference report from the House that was passed by a substantial margin in the Senate that confirms that the work we did in the budget negotiations was satisfactory to both the Members of the other body and the Senate. We had been through it here once before, the conference report, to get the budget resolution confirmed. It passed 78 to 22. The vote was almost identical when we got the conference report back. That was Thursday evening. I was stunned to read in Friday morning's newspaper that there were challenges to the assumptions that were made, to the agreements that were made to try to get that budget done, to try to forge a consensus agreement.

I must point out that this is not an agreement that I have heard people standing up and lauding and saying, "I love it. It is the perfect budget agreement. It is everything my constituents want it to be." By no means. But there is in this budget agreement something I think both parties can salute. There is an investment in the middle class, there is an investment in education, there is some tax relief for the middle class. Once again, if we look at the extremes, we are all woefully short of things that I would have liked to have if I had an ideal opportunity to design it myself. But I do not, and we represent a consensus. Mr. President, 50 States are represented here by the two Senators from each State who are here to argue the case from their particular point of view.

A bipartisan budget agreement was the product of extensive negotiations involving compromises by everyone involved, and many provisions were the subject of protracted discussion, with each word carefully considered and debated. In the end, we struck a delicate balance, and the resulting agreement, if implemented, will provide, I believe, great benefits to our Nation. It will give us the first balanced budget since 1969. It will provide tax relief, as I said earlier, to the middle class. It will protect Medicare, extend its solvency, and it will do something about cleaning up the environment, investments in education, and other significant national priorities.

Unfortunately, since the handshake that took place here—it took place in the negotiating room between the chairman and the ranking members and the representatives of the President—two House committees are now moving to alter the bipartisan budget agreement when the ink is barely dry. It is a matter of great concern to me and it ought to be a matter of great concern to everybody here who thought we had accomplished something significant when we passed that budget agreement. Although the steps have been taken in the other body, I want to raise my concerns here before Senate committees begin the process of marking up their own reconciliation packages.

For instance, one important provision of the bipartisan budget agreement would protect immigrants, legal immigrants who have come to this country, who paid their taxes, played by the rules, and who then suffer from a disability—perhaps from an automobile accident or an illness that robs them of their ability to function as they used to—eyesight or other physical ailments that affect their capacity to walk or to work. The budget agreement says these people should be protected.

It states on page 22 of the agreement of the budget resolution that Congress will:

> . . . restore SSI and Medicaid eligibility for all disabled legal immigrants who are or who become disabled and who entered the United States prior to August 23, 1996.

That was a compromise date, I point out. Unfortunately, last week in the House Ways and Means Subcommittee on Human Resources, they reported a bill that fails to do this and suggests reducing the numbers of people and reducing the availability of these services, these programs for these disabled people. It directly violates this portion of the agreement, the compromise that they are proposing. The compromise was already done. The subcommittee's action is not an innocent mistake. It is not based on differences in interpreting the agreement. This is a blatant, intentional violation of the bipartisan budget accord which should not be tolerated. Certainly it should not be begun unilaterally so soon after the agreement is done.

If we had things that we wanted to talk about, they ought to be talked about cautiously and not entered into the news media immediately as something they want to change.

Mr. President, I ask unanimous consent to have printed in the RECORD two letters from the Director of OMB, Frank Raines, to the chairman of the Budget Committee and to Representative SHAW, the chairman of the Subcommittee on Human Resources in the Committee on Ways and Means, that outline this and other similar concerns about the implementation of the budget agreement.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,
Washington, DC, June 5, 1997.

Hon. JOHN KASICH,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Enclosed is a letter I sent earlier today to the Chairman and Ranking Member of the Ways and Means

Human Resources Subcommittee regarding Subcommittee markup of legislation to implement the Bipartisan Budget Agreement.

The preliminary markup documents we reviewed were inconsistent with the agreement in several important respects. I hope that by identifying these issues as early as possible, we will be able to implement the agreement in a bipartisan manner.

Sincerely,

FRANKLIN D. RAINES.

EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF MANAGEMENT AND BUDGET,

Washington, DC, June 5, 1997.

Hon. E. CLAY SHAW, Jr.,

Chairman, Subcommittee on Human Resources, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: As you know, the Administration and the bipartisan congressional leadership recently reached agreement on a historic plan to balance the budget by 2002 while investing in the future. The plan is good for America, its people, and its future, and we are committed to working with Congress to see it enacted.

With regard to welfare, the budget agreement called for restoring Supplemental Security Income (SSI) and Medicaid benefits for immigrants who are disabled or become disabled and who entered the country before August 23, 1996; extending from five to seven years the exemption in last year's welfare law for refugees and asylees for the purposes of SSI and Medicaid; and making other important changes.

We have reviewed the Subcommittee's draft markup document, however, and we have found a number of provisions that are inconsistent with the budget agreement in these and other areas. Consequently, if the Subcommittee were to proceed with its legislation in this form, we would be compelled to invoke the provisions of the agreement that call on the Administration and the bipartisan leadership to undertake remedial efforts to ensure that reconciliation legislation is consistent with the agreement.

We appreciate the fact that the Subcommittee has a mark that includes several provisions that the Administration supports, such as in the areas of welfare to work and State SSI administrative fees.

Welfare to Work.—We are pleased the budget agreement includes the President's $3 billion welfare-to-work proposal and that the Subcommittee included provisions that meet many of the Administration's priorities. Specifically, we are pleased that the mark provides funds for jobs where they are needed most to help long-term recipients in high unemployment-high poverty areas; directs funds to local communities with large numbers of poor people; awards some funds on a competitive basis, assuring the best use for scarce resources; and gives communities appropriate flexibility to use the funds to create successful job placement and job creation programs.

Though your mark does not address a performance fund, we appreciate your willingness to consider a mechanism to provide needed incentives and rewards for placing the hardest-to-serve in lasting, unsubsidized jobs that promote self-sufficiency. In addition, we stand ready to continue to provide assistance in refining targeting factors.

State SSI Administrative Fees.—The Administration is pleased that the Subcommittee has included a provision, consistent with the budget agreement, to increase the administrative fees that the Federal Government charges States for administering their State supplemental SSI payments and to make the increase available, subject to appropriations, for Social Security Administration (SSA) administrative expenses.

In a number of areas, however, we have serious concerns with provisions that do not reflect the budget agreement. The Administration has separately transmitted draft legislation that reflects the budget agreement's provisions on benefits to immigrants.

Continued SSI and Medicaid Benefits for Legal Immigrants.—The Administration strongly opposes the provision that denies coverage to many legal immigrants who were in the United States when the welfare law was signed but who become severely disabled after that date. The budget agreement explicitly states, "Restores SSI and Medicaid eligibility for all disabled legal immigrants who are or become disabled and who enter the U.S. prior to August 23, 1996." The mark fails to reflect that agreement by only "grandfathering" those now receiving SSI, therefore dropping those who would become disabled in the future and would be eligible for benefits under the agreement. Instead of enacting the budget agreement, the Subcommittee would grandfather immigrants who were on the SSI rolls on August 22, 1996, thus protecting 75,000 fewer immigrants than the budget agreement by the year 2002. By contrast, the agreement targets the most vulnerable individuals by providing a safety net for all immigrants in the country when the welfare law was signed who have suffered—or may suffer in the future—a disabling accident or illness.

In contrast with the budget agreement, which was designed to restore benefits, the markup document would provide SSI and Medicaid benefits to immigrants now on the rolls only if the immigrant has no sponsor, the sponsor has died, or the sponsor has income under 150 percent of the poverty level. The Administration strongly opposes this provision, which would cut off about 100,000 severely disabled legal immigrants who would receive benefits under the budget agreement. We understand that the Subcommittee may drop this provision, and we hope that is true.

As noted above, the agreement provided for both SSI and Medicaid eligibility for disabled legal immigrants. The mark, however, also fails to guarantee Medicaid coverage for all disabled legal immigrants who continue to receive SSI. For States in which SSI eligibility does not guarantee Medicaid coverage and for States that choose not to provide Medicaid coverage to legal immigrants who were in the U.S. prior to August 23, 1996, legal immigrants who receive SSI would not be guaranteed to continue receiving Medicaid. To conform to the policy in the budget agreement, the Subcommittee should include a provision in its bill to explicitly guarantee Medicaid coverage to disabled legal immigrants who continue to receive SSI.

Refugee and Asylee Eligibility.—The budget agreement would extend the exemption period from five to seven years for refugees, asylees, and those who are not deported because they would likely face persecution back home. However, the Subcommittee's proposal would provide that extension for refugees and not for asylees and others. Such asylees and others should receive the additional two years to naturalize.

In addition to the provisions in the Subcommittee markup related to immigration, the Administration has the following concerns:

Unemployment Insurance Integrity.—The Subcommittee draft does not include the provision of the budget agreement that achieves $763 million in mandatory savings over five years through an increase in discretionary spending of $89 million in 1998 and $467 million over five years. These savings are a key component of the budget agreement. The discretionary spending that the agreement assumes, and which would be subject to appropriation, would support the necessary additional eligibility reviews, tax audits, and other integrity activities that, the evidence demonstrates, will yield the savings. We urge the Subcommittee to adopt this provision to achieve the specified savings.

The Federal Unemployment Account.—The Administration supports the proposed increase in the Federal Unemployment Account ceiling, which reflects the budget agreement. The mark, however, does not accomplish another aspect of the agreement, because it only "authorizes" $100 million to the States in 2000-2002 for Unemployment Insurance administrative funding, rather than making the payments mandatory as the agreement provides. We look forward to working with the Subcommittee to address this issue.

The Subcommittee mark also includes a member of provisions that were not specifically addressed in the budget agreement, and about which the Administration has serious concerns. They include the following:

Minimum Wage and Workfare.—The Administration strongly opposes the Subcommittee's proposal on the minimum wage and welfare work requirements.

First, the proposal goes beyond the scope of the budget agreement and, thus, should not be included in the reconciliation bill.

Second, the proposal would undermine the fundamental goals of welfare reform. The Administration believes strongly that everyone who can work must work, and those who work should earn the minimum wage—whether they are coming off of welfare or not. The proposal does not meet this test.

Worker Protections in Welfare to Work.—We are deeply disappointed in the Subcommittee draft's lack of adequate worker protection and non-displacement provisions. We strongly urge the Subcommittee to adopt, at a minimum, the provisions included in H.R. 1385, the House-passed job training reform bill.

Repeal of Maintenance of Effort Requirements on State Supplementation of SSI Benefits.—Historically, the Administration has strongly opposed the repeal of maintenance-of-effort requirement because it would let States significantly cut, or even eliminate, benefits to nearly 2.4 million poor elderly, disabled, and blind persons. Congress instituted the maintenance-of-effort requirement in the early 1970s to prevent States from transferring Federal benefit increases from SSI recipients to State treasuries. The proposal also could cause some low-income elderly and disabled individuals to lose SSI entirely and to lose Medicaid coverage as well. The Administration opposed this proposal in last year's welfare reform debate.

Other TANF Provisions.—The Administration is concerned with several provisions in the mark that were not in the budget agreement. For example, the agreement did not address making changes in the TANF work requirements regarding vocational education and educational services for teen parents. The Administration opposes the provision allowing States to divert TANF funds away from welfare-to-work efforts to other social service activities.

The budget agreement reflects compromise on many important and controversial issues, and challenges the leaders on both sides of the aisle to achieve consensus under difficult circumstances. We must do so on a bipartisan basis.

I look forward to working with you to implement the historic budget agreement.

Sincerely,

FRANKLIN D. RAINES,
Director.

Mr. LAUTENBERG. Mr. President, today the House Commerce Committee, the Subcommittee on Health and Environment, will consider legislation introduced by the chairman of that subcommittee that also breaks the bipartisan budget agreement. The budget agreement calls for $1.5 billion to ease the impact of increasing Medicare premiums on low-income beneficiaries. This provision was included because the budget agreement calls for phasing in increases in Medicare premiums to accommodate the shift of home health care expenditures from part A to part B. We were worried because there is going to have to be, in order to provide the solvency that we found for Medicare to continue, or the Medicaid programs, we had proposed expanding Medicaid premium coverage for Medicare recipients who had incomes of 120 to 150 percent of poverty. That is pretty modest going.

The final agreement threw out the specifics of the premium proposal. However, it did call for spending the $1.5 billion on whatever policy Congress chose to enact. But that was not the understanding. Regretfully, the House committee with jurisdiction of Medicaid will only include $300 to $400 million for this provision, one we labored long and hard over. It is another clear violation of the budget agreement, and it is very troubling.

I am also concerned about the tax bill that the chairman of the House Ways and Means Committee outlined yesterday. The chairman's bill would only provide $30.8 billion—not an insignificant amount—in tax incentives for higher education. But that was fought for very stoutly; that it was to get $35 billion. And only about $22 billion of the proposal of this type is for the benefits that were advocated by the President, understood to be something we could agree on, falling far short of, and I quote here, the "roughly $35 billion." That language was struggled over, "roughly $35 billion." I tell you this, no one can buy a house for "roughly $35,000," or a car for "roughly $15,000." How much is it? Well, that is what it ought to be. That language was compromise language, because we knew the intent or believed the intent of both Speaker GINGRICH and/or the distinguished leader here, Senator LOTT, was their commitment to the program. Although the word "roughly" was there, it should be interpreted broadly, and I think this, frankly, goes too far, when they start making the cuts in the House committee that are inconsistent with the agreement.

Mr. President, the bipartisan budget agreement calls on the House and Senate leadership to take remedial efforts to ensure that this document is implemented in the legislative process. Leadership action is critical if the agreement is to be implemented properly. And, therefore, I hope that Speaker GINGRICH will intervene promptly and require that in all cases I have mentioned the relevant committees make the changes necessary to be consistent with the agreement that we have.

If the congressional leadership fails to enforce the agreement, it will not be worth the paper it is written on and in the process of reconciliation we could be looking at very serious problems getting this program into place.

Mr. President, I also want to take a moment to talk about the disaster supplemental. I am pleased to note that yesterday the President vetoed the bill because it contains the so-called automatic CR. The automatic CR also violates the bipartisan budget agreement for two reasons.

First, it would lower the amount of discretionary spending available for fiscal 1998. The budget agreement calls for $527 billion in discretionary spending for fiscal year 1998, which is $17 million over last year's level. If the automatic continuing resolution is enacted, the majority could refuse to pass the 13 appropriations bills, thereby cutting the $17 billion in discretionary spending. That would absolutely violate one of the basic Democratic accomplishments in the budget agreement and, again, the consensus.

The automatic CR would make deep cuts in programs that are protected in the budget agreement. The bipartisan negotiators agreed to provide large increases in 13 major discretionary programs. Examples of these programs include elementary and secondary education, Pell grants, child literacy, Head Start, national parks, job training, Clean Water Act, Superfund, and the COPS Program. Some of the programs are preferred by Democrats, some preferred by Republicans, but the fact is we arrived at a consensus. Both parties wanted this done. An automatic CR would freeze these programs at last year's level, and they would not get the increases promised in the budget agreement, at least without further congressional action.

So, I hope the leadership will comply with the budget agreement, put the plight of disaster victims above politics, strip the automatic CR from the bill and send the President a clean version of the disaster relief bill that he can sign.

Mr. President, I conclude and I thank you for your indulgence with this simple message: A promise is a promise. A deal is a deal. The Republican leadership made a promise to the Democrats in the Congress and to the President. What I am asking here today is that they make sure that promise is kept by their committee chairs, subcommittee chairs, and those who would violate the agreement after all of that labor and what I think was a smashing success.

I yield the floor.

Mrs. HUTCHISON addressed the Chair.

The PRESIDING OFFICER. The Senator from Texas.

Mrs. HUTCHISON. Mr. President, I send a bill to the desk and ask for its appropriate referral.

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

Senator, we have passed the hour for recess.

Mrs. HUTCHISON. Mr. President, I ask unanimous consent we extend this time for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The time is extended for 10 minutes.

The Senator from Texas.

Mrs. HUTCHISON. I thank the Chair.

(The remarks of Mrs. HUTCHISON pertaining to the introduction of S. 866 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

DISASTER RELIEF BILL

Mrs. HUTCHISON. Mr. President, I would like to finish by adding to what Senator LAUTENBERG has said, that we sent a bill to the President for disaster relief for the victims of North and South Dakota and Minnesota. We sent him a bill that we hoped he would sign. I don't think the President has explained why he would veto a bill that he says is necessary for these disaster victims when, in fact, all we did was say we are also going to make sure that we don't shut down the Government so that the very people we are trying to help will not be able to get the checks that they need after September 30 if Congress and the President have not come to agreement.

It is very important that people understand that the budget agreement for the 1998 budget year are allocations, they are not appropriations. In fact, to actually spend the money, it takes both Congress and the President to agree. Sometimes, the Congress and the President don't agree before September 30, which is the end of the fiscal year. So we have to start a new fiscal year. Now, if there is not an agreement and we don't have a provision for continuing Government, then we can shut down Government again. That is not what anyone wants to do.

So Congress has in the disaster relief bill and the supplemental appropriations to go with that bill, the process that says we are not going to shut down Government, we are going to keep spending money at the same level

that is being spent this year, and then when the agreement is made between Congress and the President, we will be able to go into whatever Congress and the President agree on.

When anyone talks about cuts in spending because we go into the 1998 year under the 1997 spending, there are no cuts because there have been no appropriations for 1998, and we haven't come to agreement on the specifics.

I think it is very proper to ask why the President did not sign the bill. I think it is proper to say to the President, "We did send you a bill; you chose not to sign it. I think you owe an explanation to the disaster victims of why you would stand for the authority to shut down Government when we are trying to continue the process of covering people in case some of the appropriations bills are not passed at the end of the fiscal year."

We just want to make sure that people can plan ahead, that they will know that their paychecks will be there if they work for the Government, that their pensions will be there if they are veterans who have earned their pensions, that there will not be a disruption of our Government. We are not cutting back from this year's expenditures. We will say we will keep on going until we have an agreement, and when that agreement is made, then we go forward and the President and the Congress together do the job that both of us were elected to do. So I think it is very important the people of this country have the facts and know that we are trying to help with all of the Federal emergency management funds that need to be replenished as well as the funds to replenish the Bosnia accounts and the many other supplemental expenditures that are in that bill.

Mr. President, I think it is very important that the President of the United States sign the bill and continue the operation of Government as usual so that the people in our country, on September 30, will not have to worry about a disruption in their lives if they work for the Government or if they have earned veterans' pensions or if they plan a family vacation or if they are going on a business trip and they have not renewed their passports. Those are the things that are at stake here.

We have a lot of responsibility. We can meet that responsibility by making sure that the disaster victims are covered and that we keep Government going on a rational and responsible basis.

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

RECESS

The PRESIDING OFFICER. Under the previous order, the hour of 1 p.m. having arrived, the Senate will now be in recess until 2:15 p.m.

Thereupon, at 1:05 p.m., the Senate recessed until 2:16 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. COATS).

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time and placed on the calendar:

H.R. 908. An act to establish a Commission on Structural Alternatives for the Federal Courts of Appeals.

H.R. 1000. An act to require States to establish a system to prevent prisoners from being considered part of any household for purposes of determining eligibility of the household for purposes of determining eligibility of household for food stamp benefits and the amount of food stamp benefits to be provided to the household under the Food Stamp Act of 1977.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, which were referred as indicated:

EC–2097. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to assessing and collecting tax settlements in Tax Court, received on June 2, 1997; to the Committee on Finance.

EC–2098. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to whether section 277 applies to nonexempt cooperatives, received on June 2, 1997; to the Committee on Finance.

EC–2099. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to summonses to compel taxpayers to sign consent directives, received on June 2, 1997; to the Committee on Finance.

EC–2100. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to Article 23(1)(c) of the U.S.–U.K. Income Tax Treaty, received on June 2, 1997; to the Committee on Finance.

EC–2101. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to the Application for Automatic Extension of Time to File Income Tax, received on June 2, 1997; to the Committee on Finance.

EC–2102. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule relative to disablity benefits under the Policeman and Firefighter's Retirement Fund, received on June 2, 1997; to the Committee on Finance.

EC–2103. A communication from the Office of the Chief Counsel of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a report of a rule entitled "Utilities Industry Coordinated Issue: Investment Credit on Transition Property," received on June 3, 1997; to the Committee on Finance.

EC–2104. A communication from the Chief of the Regulations Unit of the Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a treasury notice 97–33, received on June 3, 1997; to the Committee on Finance.

EC–2105. A communication from the Chief of the Regulations Unit, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, a treasury notice 97–34, received on June 3, 1997; to the Committee on Finance.

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. MOYNIHAN (for himself and Mr. SARBANES):

S. 863. A bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia; to the Committee on Energy and Natural Resources.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. KERREY, and Mr. CONRAD):

S. 864. A bill to amend title XIX of the Social Security Act to improve the provision of managed care under the medicaid program; to the Committee on Finance.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. BAUCUS):

S. 865. A bill to provide for improved coordination, communications, 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 Finance.

By Mrs. HUTCHISON:

S. 866. A bill to amend title 28, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

By Mr. DEWINE:

S. 867. A bill to assist State and local governments in establishing effective criminal

records concerning serious and violent juvenile offenders and information concerning adult members of violent criminal gangs and Federal, State, and local criminal justice officials in countering the rise in serious crime, and for other purposes; to the Committee on the Judiciary.

By Mr. HARKIN (for himself, Mr. HUTCHINSON, Mr. REID, Mr. BRYAN, and Mr. ROCKEFELLER):

S. 868. A bill to amend the Social Security Act to prohibit persons from charging for services or products that the Social Security Administration and Department of Health and Human Services provide without charge; to the Committee on Finance.

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WYDEN, Mr. BINGAMAN, Mr. KERRY, Mr. WELLSTONE, Mr. HARKIN, Ms. LANDRIEU, Mr. FEINGOLD, Mrs. MURRAY, Mrs. BOXER, Mr. LEVIN, Mr. SARBANES, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mr. CHAFEE, Mr. KOHL, Mr. INOUYE, Ms. MIKULSKI, Mr. ROBB, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. DODD, Mr. REID, Mr. LEAHY, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. KERREY, Mr. REED, Mr. D'AMATO, and Mr. CLELAND):

S. 869. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

By Mr. WELLSTONE:

S. 870. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resources.

By Mr. NICKLES (for himself and Mr. INHOFE):

S. 871. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. ROBERTS (for himself, Mr. HARKIN, Mr. HATCH, Mr. JOHNSON, Mr. BAUCUS, Mr. D'AMATO, Mr. BENNETT, and Mr. CRAIG):

S. 872. A bill to amend the Internal Revenue Code of 1986 to provide for the nonrecognition of gain for sale of stock to certain farmers' cooperatives, and for other purposes; to the Committee on Finance.

By Mr. ASHCROFT:

S. 873. A bill to amend the prohibition of title 18, United States Code, against financial transactions with state sponsors of international terrorism; to the Committee on the Judiciary.

By Mr. FAIRCLOTH (for himself and Mr. SHELBY):

S. 874. A bill to amend title 31, United States Code, to provide for an exemption to the requirement that all Federal payments be made by electronic funds transfer; to the Committee on Finance.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. MOYNIHAN (for himself and Mr. SARBANES):

S. 863. A bill to authorize the Government of India to establish a memorial to honor Mahatma Gandhi in the District of Columbia; to the Committee on Energy and Natural Resources.

LEGISLATION TO ESTABLISH MAHATMA GANDHI MEMORIAL

Mr. MOYNIHAN. Mr. President, I rise to introduce a bill to authorize the placement of a statue of Mohandas Karamchand Gandhi—Mahatma Gandhi—on Federal land across the street from the Indian embassy in Washington, DC. The Government of India has offered a statue of Gandhi as a gift to the United States. In order to place it on Federal land, an act of Congress is required. This bill will fulfill just that purpose, and I thank the Senator from Florida [Mr. MACK] and the Senator from Maryland, [Mr. SARBANES] for joining me in this endeavor.

India is currently celebrating the 50th anniversary of its independence. Authorizing the placement of a statue of Mahatma Gandhi, often called the father of the Indian nation, would serve as a fitting tribute to Indian democracy which has survived—in fact, thrived—despite enormous challenges, and a symbol of the growing strength of the bonds between our two countries.

It is particularly appropriate that a statue of Mahatma Gandhi be selected for this purpose. The effects of his nonviolent actions and the philosophy which guided them were not limited to his country, nor his time. His influence in the United States was most notably felt in the civil rights movement, but has also infused all levels of our society.

If I may invade ever so slightly the privacy of the President's luncheon table, in May 1994, Mr. Clinton had as his guest the distinguished Prime Minister of India, Mr. P.V. Narasimha Rao, who in his youth was a follower of Mahatma Gandhi. In a graceful passage, Prime Minister Rao related how it came to pass that Mahatma Gandhi, caught up in the struggle for fair treatment to the Indian community in South Africa, and in consequence in jail, read Thoreau's essay on "Civil Disobedience" which confirmed his view that an honest man is duty-bound to violate unjust laws. He took this view home with him, and in the end the British raj gave way to an independent Republic of India. Then Martin Luther King, Jr., repatriated the idea and so began the great civil rights movement of this century.

Dr. Martin Luther King, Jr., has written of the singular influence Gandhi's message of nonviolent resistance had on him when he first learned of it while studying at Crozier Theological Seminary in Philadelphia. He would later describe that influence in his first book, "Stride Toward Freedom":

> As I read I became deeply fascinated by [Gandhi's] philosophy of non-violent resistance . . . as I delved deeper into the philosophy of Gandhi, my skepticism concerning the power of love gradually diminished, and I came to see its potency in the area of social reform . . . prior to reading Gandhi, I had concluded that the love ethics of Jesus were only effective in individual relationships . . . but after reading Gandhi, I saw how utterly mistaken I was.
>
> . . . It was in this Gandhian emphasis on love and non-violence that I discovered the method for social reform that I had been seeking for so many months . . . I came to feel that this was the only morally and practically sound method open to oppressed people in their struggle for freedom . . . this principle became the guiding light of our movement. Christ furnished the spirit and motivation and Gandhi furnished the method.

Martin Luther King, Jr., believed that Gandhi's philosophy of nonviolent resistance was the guiding light of the American civil rights movement. As Dr. King wrote, "Gandhi furnished the message." A statue of Gandhi, given as a gift from the Government of India, on a small plot of Federal land along Massachusetts Avenue, in front of the Indian Embassy, will stand not only as a tribute to the shared values of the two largest democracies in the world but will also pay tribute to the lasting influence of Gandhian thought on the United States. An influence that is so pervasive that when the President and the Prime Minister of India meet at the White House for lunch, a half-century after Gandhi's death, it is no surprise that he should be a topic of conversation.

By Mr. CHAFEE (for himself, Mr. BREAUX, Mr. KERREY, and Mr. CONRAD):

S. 864. A bill to amend title XIX of the Social Security Act to improve the provision of managed care under the Medicaid Program; to the Committee on Finance.

THE MEDICAID MANAGED CARE ACT OF 1997

Mr. CHAFEE. Mr. President, I am pleased today to introduce The Medicaid Managed Care Act of 1997. This legislation meets two very important objectives in the Medicaid Program. First, it gives States the additional flexibility they need to administer the Medicaid Program by allowing them to enroll Medicaid beneficiaries into managed care Programs. Second, the bill sets Federal standards for managed care to ensure that Medicaid patients receive the same quality of care as those patients who are enrolled in private managed care plans.

Under our legislation, States could require Medicaid patients to enroll in managed care plans without going through the lengthy and cumbersome process of applying to the Secretary of Health and Human Services for a waiver of current Medicaid regulations. In exchange for this important flexibility, States will have to meet a set of minimum Federal standards to ensure that Medicaid patients continue to receive quality care.

For example, States would be required to offer patients a choice of at least two health plans. Plans would be required to meet certain standards of

access to care, quality, and solvency. These standards are especially important given recent problems in States that have set up Medicaid managed care programs under the waiver process. In some instances, plans have failed to contract with enough providers to serve the Medicaid population. Some have been permitted to operate under standards that are lower than commercial insurers are required to meet, and others have used fraudulent marketing practices to entice Medicaid patients to sign up with their plans. These actions have resulted in patients being denied medically necessary services, and have resulted in States and the Federal Government paying for care that was never given.

Considering these abuses, why should we allow Medicaid managed care at all? Because managed care, if implemented correctly, can vastly improve the quality of health care provided to low-income families. In today's fee-for-service program, patients face myriad problems. Some are forced to get care in hospital emergency rooms because they cannot find a private physician willing or able to accept Medicaid's low payment rates. Those who do have access to providers often must wait for hours in clinics which are overcrowded and understaffed. And, sadly, they often do not have access to primary and preventive care services which would have prevented them from becoming ill to begin with.

Medicaid managed care, if done well, provides regular prenatal care to assure that children are born healthy. These plans provide coverage for check-ups and immunizations to prevent serious illnesses. And they give patients a medical home—a provider they know they can go to if they are sick, or a number to call if they have questions.

Medicaid managed care also has the potential of benefiting our overall health care system by providing access to primary care providers rather than forcing patients to make costly and unnecessary visits to hospital emergency rooms. It gives providers the opportunity to catch and treat, or prevent, costly health problems.

Mr. President, we have worked very hard to ensure that this legislation strikes an appropriate balance between the needs of Medicaid beneficiaries and the managed care companies. I want to thank Senators BREAUX and KERREY who helped craft this legislation and are original cosponsors. I also want to thank the many advocacy organizations for their input and support. And I also want to thank some of the managed care organizations who worked with us. I am especially pleased that some of these organizations, such as the HMO Group which is an alliance of health maintenance organizations have endorsed this legislation. Their support is critical to the success of Medicaid managed care.

I ask unanimous consent that the text of the legislation be included in the RECORD.

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

S. 864

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS; AMENDMENTS TO THE SOCIAL SECURITY ACT.

(a) SHORT TITLE.—This Act may be cited as the "Medicaid Managed Care Improvement Act of 1997".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents; amendments to the Social Security Act.
Sec. 2. Improvements in medicaid managed care program.
"PART B—PROVISIONS RELATING TO MANAGED CARE
"Sec. 1941. Beneficiary choice; enrollment.
"Sec. 1942. Beneficiary access to services generally.
"Sec. 1943. Beneficiary access to emergency care.
"Sec. 1944. Other beneficiary protections.
"Sec. 1945. Assuring quality care.
"Sec. 1946. Protections for providers.
"Sec. 1947. Assuring adequacy of payments to medicaid managed care organizations and entities.
"Sec. 1948. Fraud and abuse.
"Sec. 1949. Sanctions for noncompliance by managed care entities.
"Sec. 1950. Definitions; miscellaneous provisions."
Sec. 3. Studies and reports.
Sec. 4. Conforming amendments.
Sec. 5. Effective date; status of waivers.

(c) AMENDMENTS TO SOCIAL SECURITY ACT.—Except as otherwise specifically provided, whenever in this Act an amendment 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 that section or other provision of the Social Security Act.

SEC. 2. IMPROVEMENTS IN MEDICAID MANAGED CARE PROGRAM.

Title XIX is amended—

(1) by inserting after the title heading the following:

"PART A—GENERAL PROVISIONS"; AND

(2) by adding at the end the following new part:

"PART B—PROVISIONS RELATING TO MANAGED CARE

"SEC. 1941. BENEFICIARY CHOICE; ENROLLMENT.

"(a) STATE OPTIONS FOR ENROLLMENT OF BENEFICIARIES IN MANAGED CARE ARRANGEMENTS.—

"(1) IN GENERAL.—Subject to the succeeding provisions of this part and notwithstanding paragraphs (1), (10)(B), and (23)(A) of section 1902(a), a State may require an individual who is eligible for medical assistance under the State plan under this title and who is not a special needs individual (as defined in subsection (e)) to enroll with a managed care entity (as defined in section 1950(a)(1)) as a condition of receiving such assistance (and, with respect to assistance furnished by or under arrangements with such entity, to receive such assistance through the entity), if the following provisions are met:

"(A) ENTITY MEETS REQUIREMENTS.—The entity meets the applicable requirements of this part.

"(B) CONTRACT WITH STATE.—The entity enters into a contract with the State to provide services for the benefit of individuals eligible for benefits under this title under which prepaid payments to such entity are made on an actuarially sound basis. Such contract shall specify benefits the provision (or arrangement) for which the entity is responsible.

"(C) CHOICE OF COVERAGE.—

"(i) IN GENERAL.—The State permits an individual to choose a managed care entity from managed care organizations and primary care case providers who meet the requirements of this part but not less than from—

"(I) 2 medicaid managed care organizations,

"(II) a medicaid managed care organization and a primary care case management provider, or

"(III) a primary care case management provider as long as an individual may choose between 2 primary care case managers.

"(ii) STATE OPTION.—At the option of the State, a State shall be considered to meet the requirements of clause (i) in the case of an individual residing in a rural area, if the State—

"(I) requires the individual to enroll with a medicaid managed care organization or primary care case management provider if such organization or entity permits the individual to receive such assistance through not less than 2 physicians or case managers (to the extent that at least 2 physicians or case managers are available to provide such assistance in the area), and

"(II) permits the individual to obtain such assistance from any other provider in appropriate circumstances (as established by the State under regulations of the Secretary).

"(D) CHANGES IN ENROLLMENT.—The State provides the individual with the opportunity to change enrollment among managed care entities once annually and notifies the individual of such opportunity not later than 60 days prior to the first date on which the individual may change enrollment, permits individuals to change their enrollment for cause at any time and without cause at least every 12 months, and allows individuals to disenroll without cause within 90 days of notification of enrollment.

"(E) ENROLLMENT PRIORITIES.—The State establishes a method for establishing enrollment priorities in the case of a managed care entity that does not have sufficient capacity to enroll all such individuals seeking enrollment under which individuals already enrolled with the entity are given priority in continuing enrollment with the entity.

"(F) DEFAULT ENROLLMENT PROCESS.—The State establishes a default enrollment process which meets the requirements described in paragraph (2) and under which any such individual who does not enroll with a managed care entity during the enrollment period specified by the State shall be enrolled by the State with such an entity in accordance with such process.

"(G) SANCTIONS.—The State establishes the sanctions provided for in section 1949.

"(2) DEFAULT ENROLLMENT PROCESS REQUIREMENTS.—The default enrollment process established by a State under paragraph (1)(F)—

"(A) shall provide that the State may not enroll individuals with a managed care entity which is not in compliance with the applicable requirements of this part;

"(B) shall provide (consistent with subparagraph (A)) for enrollment of such an individual with a medicaid managed care organization—

"(i) first, that maintains existing provider-individual relationships or that has entered into contracts with providers (such as Federally qualified health centers, rural health clinics, hospitals that qualify for disproportionate share hospital payments under section 1886(d)(5)(F), and hospitals described in section 1886(d)(1)(B)(iii)) that have traditionally served beneficiaries under this title, and

"(ii) lastly, if there is no provider described in clause (i), in a manner that provides for an equitable distribution of individuals among all qualified managed care entities available to enroll individuals through such default enrollment process, consistent with the enrollment capacities of such entities;

"(C) shall permit and assist an individual enrolled with an entity under such process to change such enrollment to another managed care entity during a period (of at least 90 days) after the effective date of the enrollment; and

"(D) may provide for consideration of factors such as quality, geographic proximity, continuity of providers, and capacity of the plan when conducting such process.

"(b) REENROLLMENT OF INDIVIDUALS WHO REGAIN ELIGIBILITY.—

"(1) IN GENERAL.—If an individual eligible for medical assistance under a State plan under this title and enrolled with a managed care entity with a contract under subsection (a)(1)(B) ceases to be eligible for such assistance for a period of not greater than 2 months, the State may provide for the automatic reenrollment of the individual with the entity as of the first day of the month in which the individual is again eligible for such assistance, and may consider factors such as quality, geographic proximity, continuity of providers, and capacity of the plan when conducting such reenrollment.

"(2) CONDITIONS.—Paragraph (1) shall only apply if—

"(A) the month for which the individual is to be reenrolled occurs during the enrollment period covered by the individual's original enrollment with the managed care entity;

"(B) the managed care entity continues to have a contract with the State agency under subsection (a)(1)(B) as of the first day of such month; and

"(C) the managed care entity complies with the applicable requirements of this part.

"(3) NOTICE OF REENROLLMENT.—The State shall provide timely notice to a managed care entity of any reenrollment of an individual under this subsection.

"(c) STATE OPTION OF MINIMUM ENROLLMENT PERIOD.—

"(1) IN GENERAL.—In the case of an individual who is enrolled with a managed care entity under this part and who would (but for this subsection) lose eligibility for benefits under this title before the end of the minimum enrollment period (defined in paragraph (2)), the State plan under this title may provide, notwithstanding any other provision of this title, that the individual shall be deemed to continue to be eligible for such benefits until the end of such minimum period, but, except for benefits furnished under section 1902(a)(23)(B), only with respect to such benefits provided to the individual as an enrollee of such entity.

"(2) MINIMUM ENROLLMENT PERIOD DEFINED.—For purposes of paragraph (1), the term 'minimum enrollment period' means, with respect to an individual's enrollment with an entity under a State plan, a period, established by the State, of not more than 6 months beginning on the date the individual's enrollment with the entity becomes effective, except that a State may extend such period for up to a total of 12 months in the case of an individual's enrollment with a managed care entity (as defined in section 1950(a)(1)) so long as such extension is done uniformly for all individuals enrolled with all such entities.

"(d) OTHER ENROLLMENT-RELATED PROVISIONS.—

"(1) NONDISCRIMINATION.—A managed care entity may not discriminate on the basis of health status or anticipated need for services in the enrollment, reenrollment, or disenrollment of individuals eligible to receive medical assistance under a State plan under this title or by discouraging enrollment (except as permitted by this section) by eligible individuals.

"(2) TERMINATION OF ENROLLMENT.—

"(A) IN GENERAL.—The State, enrollment broker, and managed care entity (if any) shall permit an individual eligible for medical assistance under the State plan under this title who is enrolled with the entity to terminate such enrollment for cause at any time, and without cause during the 90-day period beginning on the date the individual receives notice of enrollment and at least every 12 months thereafter, and shall notify each such individual of the opportunity to terminate enrollment under these conditions.

"(B) FRAUDULENT INDUCEMENT OR COERCION AS GROUNDS FOR CAUSE.—For purposes of subparagraph (A), an individual terminating enrollment with a managed care entity on the grounds that the enrollment was based on fraudulent inducement or was obtained through coercion or pursuant to the imposition against the managed care entity of the sanction described in section 1949(b)(3) shall be considered to terminate such enrollment for cause.

"(C) NOTICE OF TERMINATION.—

"(i) NOTICE TO STATE.—

"(I) BY INDIVIDUALS.—Each individual terminating enrollment with a managed care entity under subparagraph (A) shall do so by providing notice of the termination to an office of the State agency administering the State plan under this title, the State or local welfare agency, or an office of a managed care entity.

"(II) BY ORGANIZATIONS.—Any managed care entity which receives notice of an individual's termination of enrollment with such entity through receipt of such notice at an office of a managed care entity shall provide timely notice of the termination to the State agency administering the State plan under this title.

"(ii) NOTICE TO PLAN.—The State agency administering the State plan under this title or the State or local welfare agency which receives notice of an individual's termination of enrollment with a managed care entity under clause (i) shall provide timely notice of the termination to such entity.

"(3) PROVISION OF INFORMATION.—

"(A) IN GENERAL.—Each State, enrollment broker, or managed care organization shall provide all enrollment notices and informational and instructional materials in a manner and form which may be easily understood by enrollees of the entity who are eligible for medical assistance under the State plan under this title, including enrollees and potential enrollees who are blind, deaf, disabled, or cannot read or understand the English language.

"(B) INFORMATION TO HEALTH CARE PROVIDERS, ENROLLEES, AND POTENTIAL ENROLLEES.—Each medicaid managed care organization shall—

"(i) upon request, make the information described in section 1945(e)(1)(A)available to enrollees and potential enrollees in the organization's service area; and

"(ii) provide to enrollees and potential enrollees information regarding all items and services that are available to enrollees under the contract between the State and the organization that are covered either directly or through a method of referral and prior authorization.

"(e) SPECIAL NEEDS INDIVIDUALS DESCRIBED.—In this part, the term 'special needs individual' means any of the following individuals:

"(1) SPECIAL NEEDS CHILD.—An individual who is under 19 years of age who—

"(A) is eligible for supplemental security income under title XVI;

"(B) is described under section 501(a)(1)(D);

"(C) is a child described in section 1902(e)(3);

"(D) is receiving services under a program under part B or part E of title IV; or

"(E) is not described in any preceding subparagraph but is otherwise considered a child with special health care needs who is adopted, in foster care, or otherwise in an out-of-home placement.

"(2) HOMELESS INDIVIDUALS.—An individual who is homeless (without regard to whether the individual is a member of a family), including—

"(A) an individual whose primary residence during the night is a supervised public or private facility that provides temporary living accommodations; or

"(B) an individual who is a resident in transitional housing.

"(3) MIGRANT AGRICULTURAL WORKERS.—A migratory agricultural worker or a seasonal agricultural worker (as such terms are defined in section 330(g)(3) of the Public Health Service Act), or the spouse or dependent of such a worker.

"(4) INDIANS.—An Indian (as defined in section 4(c) of the Indian Health Care Improvement Act (25 U.S.C. 1603(c))).

"(5) MEDICARE BENEFICIARIES.—A qualified medicare beneficiary (as defined in section 1905(p)(1)) or an individual otherwise eligible for benefits under title XVIII.

"(6) DISABLED INDIVIDUALS.—Individuals who are disabled (as determined under section 1614(a)(3)).

"(7) PERSONS WITH AIDS OR HIV INFECTION.—An individual with acquired immune deficiency syndrome (AIDS) or who has been determined to be infected with the HIV virus.

"SEC. 1942. BENEFICIARY ACCESS TO SERVICES GENERALLY.

"(a) ACCESS TO SERVICES.—

"(1) IN GENERAL.—Each managed care entity shall provide or arrange for the provision of all medically necessary medical assistance under this title which is specified in the contract entered into between such entity and the State under section 1941(a)(1)(B) for enrollees who are eligible for medical assistance under the State plan under this title.

"(2) PRIMARY-CARE-PROVIDER-TO-ENROLLEE RATIO AND MAXIMUM TRAVEL TIME.—Each such entity shall assure adequate access to primary care services by meeting standards, established by the Secretary, relating to the

maximum ratio of enrollees under this title to full-time-equivalent primary care providers available to serve such enrollees and to maximum travel time for such enrollees to access such providers. The Secretary may permit such a maximum ratio to vary depending on the area and population served. Such standards shall be based on standards commonly applied in the commercial market, commonly used in accreditation of managed care organizations, and standards used in the approval of waiver applications under section 1115, and shall be consistent with the requirements under section 1876(c)(4)(A).

"(b) OBSTETRICAL AND GYNECOLOGICAL CARE.—

"(1) IN GENERAL.—A managed care entity may not require prior authorization by the individual's primary care provider or otherwise restrict the individual's access to gynecological and obstetrical care provided by a participating provider who specializes in obstetrics and gynecology to the extent such care is otherwise covered, and may treat the ordering of other obstetrical and gynecological care by such a participating provider as the prior authorization of the primary care provider with respect to such care under the coverage.

"(2) CONSTRUCTION.—Nothing in paragraph (1)(B)(ii) shall waive any requirements of coverage relating to medical necessity or appropriateness with respect to coverage of gynecological care so ordered.

"(c) SPECIALTY CARE.—

"(1) REFERRAL TO SPECIALTY CARE FOR ENROLLEES REQUIRING TREATMENT BY SPECIALISTS.—

"(A) IN GENERAL.—In the case of an enrollee under a managed care entity and who has a condition or disease of sufficient seriousness and complexity to require treatment by a specialist, the entity shall make or provide for a referral to a specialist who is available and accessible to provide the treatment for such condition or disease.

"(B) SPECIALIST DEFINED.—For purposes of this subsection, the term 'specialist' means, with respect to a condition, a health care practitioner, facility, or center (such as a center of excellence) that has adequate expertise through appropriate training and experience (including, in the case of a child, an appropriate pediatric specialist) to provide high quality care in treating the condition.

"(C) CARE UNDER REFERRAL.—Care provided pursuant to such referral under subparagraph (A) shall be—

"(i) pursuant to a treatment plan (if any) developed by the specialist and approved by the entity, in consultation with the designated primary care provider or specialist and the enrollee (or the enrollee's designee), and

"(ii) in accordance with applicable quality assurance and utilization review standards of the entity.

Nothing in this subsection shall be construed as preventing such a treatment plan for an enrollee from requiring a specialist to provide the primary care provider with regular updates on the specialty care provided, as well as all necessary medical information.

"(D) REFERRALS TO PARTICIPATING PROVIDERS.—An entity is not required under subparagraph (A) to provide for a referral to a specialist that is not a participating provider, unless the entity does not have an appropriate specialist that is available and accessible to treat the enrollee's condition and that is a participating provider with respect to such treatment.

"(E) TREATMENT OF NONPARTICIPATING PROVIDERS.—If an entity refers an enrollee to a nonparticipating specialist, services provided pursuant to the approved treatment plan shall be provided at no additional cost to the enrollee beyond what the enrollee would otherwise pay for services received by such a specialist that is a participating provider.

"(2) SPECIALISTS AS PRIMARY CARE PROVIDERS.—

"(A) IN GENERAL.—A managed care entity shall have a procedure by which a new enrollee upon enrollment, or an enrollee upon diagnosis, with an ongoing special condition (as defined in subparagraph (C)) may receive a referral to a specialist for such condition who shall be responsible for and capable of providing and coordinating the enrollee's primary and specialty care. If such an enrollee's care would most appropriately be coordinated by such a specialist, the entity shall refer the enrollee to such specialist.

"(B) TREATMENT AS PRIMARY CARE PROVIDER.—Such specialist shall be permitted to treat the enrollee without a referral from the enrollee's primary care provider and may authorize such referrals, procedures, tests, and other medical services as the enrollee's primary care provider would otherwise be permitted to provide or authorize, subject to the terms of the treatment plan (referred to in paragraph (1)(C)(i)).

"(C) ONGOING SPECIAL CONDITION DEFINED.—In this paragraph, the term 'special condition' means a physical and mental condition or disease that—

"(i) is life-threatening, degenerative, or disabling, and

"(ii) requires specialized medical care over a prolonged period of time.

"(D) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

"(3) STANDING REFERRALS.—

"(A) IN GENERAL.—A managed care entity shall have a procedure by which an enrollee who has a condition that requires ongoing care from a specialist may receive a standing referral to such specialist for treatment of such condition. If the issuer, or the primary care provider in consultation with the medical director of the entity and the specialist (if any), determines that such a standing referral is appropriate, the entity shall make such a referral to such a specialist.

"(B) TERMS OF REFERRAL.—The provisions of subparagraphs (C) through (E) of paragraph (1) shall apply with respect to referrals under subparagraph (A) of this paragraph in the same manner as they apply to referrals under paragraph (1)(A).

"(d) TIMELY DELIVERY OF SERVICES.—Each managed care entity shall respond to requests from enrollees for the delivery of medical assistance in a manner which—

"(1) makes such assistance—

"(A) available and accessible to each such individual, within the area served by the entity, with reasonable promptness and in a manner which assures continuity; and

"(B) when medically necessary, available and accessible 24 hours a day and 7 days a week; and

"(2) with respect to assistance provided to such an individual other than through the entity, or without prior authorization, in the case of a primary care case management provider, provides for reimbursement to the individual (if applicable under the contract between the State and the entity) if—

"(A) the services were medically necessary and immediately required because of an unforeseen illness, injury, or condition and meet the requirements of section 1943; and

"(B) it was not reasonable given the circumstances to obtain the services through the entity, or, in the case of a primary care case management provider, with prior authorization.

"(e) INTERNAL GRIEVANCE PROCEDURE.—Each medicaid managed care organization shall establish an internal grievance procedure under which an enrollee who is eligible for medical assistance under the State plan under this title, or a provider on behalf of such an enrollee, may challenge the denial of coverage of or payment for such assistance.

"(f) INFORMATION ON BENEFIT CARVE OUTS.—Each managed care entity shall inform each enrollee, in a written and prominent manner, of any benefits to which the enrollee may be entitled to medical assistance under this title but which are not made available to the enrollee through the entity. Such information shall include information on where and how such enrollees may access benefits not made available to the enrollee through the entity.

"(g) DUE PROCESS REQUIREMENTS FOR MANAGED CARE ENTITIES.—

"(1) DENIAL OF OR UNREASONABLE DELAY IN DETERMINING COVERAGE AS GROUNDS FOR HEARING.—If a managed care entity (or entity acting an agreement with a managed care entity)—

"(A) denies coverage of or payment for medical assistance with respect to an enrollee who is eligible for such assistance under the State plan under this title; or

"(B) fails to make any eligibility or coverage determination sought by an enrollee or, in the case of a medicaid managed care organization, by a participating health care provider or enrollee, in a timely manner, depending upon the urgency of the situation,

the enrollee or the health care provider furnishing such assistance to the enrollee (as applicable) may obtain a fair hearing before, and shall be provided a timely decision by, the State agency administering the State plan under this title in accordance with section 1902(a)(3). Such decisions shall be rendered as soon as possible in accordance with the medical exigencies of the cases, and in no event later than 72 hours in the case of hearings on decisions regarding urgent care and 5 days in the case of all other hearings.

"(2) COMPLETION OF INTERNAL GRIEVANCE PROCEDURE.—Nothing in this subsection shall require completion of an internal grievance procedure if the procedure does not provide for timely review of health needs considered by the enrollee's health care provider to be of an urgent nature or is not otherwise consistent with the requirements for such procedures under section 1876(c).

"(h) DEMONSTRATION OF ADEQUATE CAPACITY AND SERVICES.—

"(1) IN GENERAL.—Subject to paragraph (3), each medicaid managed care organization shall provide the State and the Secretary with adequate assurances (as determined by the Secretary) that the organization, with respect to a service area—

"(A) has the capacity to serve the expected enrollment in such service area;

"(B) offers an appropriate range of services for the population expected to be enrolled in such service area, including transportation services and translation services consisting of the principal languages spoken in the service area;

"(C) maintains a sufficient number, mix, and geographic distribution of providers of services included in the contract with the State to ensure that services are available to

individuals receiving medical assistance and enrolled in the organization to the same extent that such services are available to individuals enrolled in the organization who are not recipients of medical assistance under the State plan under this title;

"(D) maintains extended hours of operation with respect to primary care services that are beyond those maintained during a normal business day;

"(E) provides preventive and primary care services in locations that are readily accessible to members of the community;

"(F) provides information concerning educational, social, health, and nutritional services offered by other programs for which enrollees may be eligible; and

"(G) complies with such other requirements relating to access to care as the Secretary or the State may impose.

"(2) PROOF OF ADEQUATE PRIMARY CARE CAPACITY AND SERVICES.—Subject to paragraph (3), a medicaid managed care organization that contracts with a reasonable number of primary care providers (as determined by the Secretary) and whose primary care membership includes a reasonable number (as so determined) of the following providers will be deemed to have satisfied the requirements of paragraph (1):

"(A) Rural health clinics, as defined in section 1905(l)(1).

"(B) Federally-qualified health centers, as defined in section 1905(l)(2)(B).

"(C) Clinics which are eligible to receive payment for services provided under title X of the Public Health Service Act.

"(3) SUFFICIENT PROVIDERS OF SPECIALIZED SERVICES.—Notwithstanding paragraphs (1) and (2), a medicaid managed care organization may not be considered to have satisfied the requirements of paragraph (1) if the organization does not have a sufficient number (as determined by the Secretary) of providers of specialized services, including perinatal and pediatric specialty care, to ensure that such services are available and accessible.

"(i) COMPLIANCE WITH CERTAIN MATERNITY AND MENTAL HEALTH REQUIREMENTS.—Each medicaid managed care organization shall comply with the requirements of subpart 2 of part A of title XXVII of the Public Health Service Act insofar as such requirements apply with respect to a health insurance issuer that offers group health insurance coverage.

"(j) TREATMENT OF CHILDREN WITH SPECIAL HEALTH CARE NEEDS.—

"(1) IN GENERAL.—In the case of an enrollee of a managed care entity who is a child described in section 1941(e)(1) or who has special health care needs (as defined in paragraph (3))—

"(A) if any medical assistance specified in the contract with the State is identified in a treatment plan prepared for the enrollee by a program described in subsection (c)(1) or paragraph (3), the managed care entity shall provide (or arrange to be provided) such assistance in accordance with the treatment plan either—

"(i) by referring the enrollee to a pediatric health care provider who is trained and experienced in the provision of such assistance and who has a contract with the managed care entity to provide such assistance; or

"(ii) if appropriate services are not available through the managed care entity, permitting such enrollee to seek appropriate specialty services from pediatric health care providers outside of or apart from the managed care entity; and

"(B) the managed care entity shall require each health care provider with whom the managed care entity has entered into an agreement to provide medical assistance to enrollees to furnish the medical assistance specified in such enrollee's treatment plan to the extent the health care provider is able to carry out such treatment plan.

"(2) PRIOR AUTHORIZATION.—An enrollee referred for treatment under paragraph (1)(A)(i), or permitted to seek treatment outside of or apart from the managed care entity under paragraph (1)(A)(ii) shall be deemed to have obtained any prior authorization required by the entity.

"(3) CHILD WITH SPECIAL HEALTH CARE NEEDS.—For purposes of paragraph (1), a child has special health care needs if the child is receiving services under—

"(A) a program administered under part B or part H of the Individuals with Disabilities Education Act; or

"(B) any other program for children with special health care needs identified by the Secretary.

"SEC. 1943. BENEFICIARY ACCESS TO EMERGENCY CARE.

"(a) PROHIBITION OF CERTAIN RESTRICTIONS ON COVERAGE OF EMERGENCY SERVICES.—

"(1) IN GENERAL.—If a managed care entity provides any benefits under a State plan with respect to emergency services (as defined in paragraph (2)(B)), the entity shall cover emergency services furnished to an enrollee—

"(A) without the need for any prior authorization determination,

"(B) subject to paragraph (3), whether or not the physician or provider furnishing such services is a participating physician or provider with respect to such services, and

"(C) subject to paragraph (3), without regard to any other term or condition of such coverage (other than an exclusion of benefits).

"(2) EMERGENCY SERVICES; EMERGENCY MEDICAL CONDITION.—For purposes of this section—

"(A) EMERGENCY MEDICAL CONDITION BASED ON PRUDENT LAYPERSON.—The term 'emergency medical condition' means a medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that a prudent layperson, who possesses an average knowledge of health and medicine, could reasonably expect the absence of immediate medical attention to result in—

"(i) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy,

"(ii) serious impairment to bodily functions, or

"(iii) serious dysfunction of any bodily organ or part.

"(B) EMERGENCY SERVICES.—The term 'emergency services' means—

"(i) a medical screening examination (as required under section 1867) that is within the capability of the emergency department of a hospital, including ancillary services routinely available to the emergency department, to evaluate an emergency medical condition (as defined in subparagraph (A)), and

"(ii) within the capabilities of the staff and facilities available at the hospital, such further medical examination and treatment as are required under section 1867 to stabilize the patient.

"(C) TRAUMA AND BURN CENTERS.—The provisions of clause (ii) of subparagraph (B) apply to a trauma or burn center, in a hospital, that—

"(i) is designated by the State, a regional authority of the State, or by the designee of the State, or

"(ii) is in a State that has not made such designations and meets medically recognized national standards.

"(3) APPLICATION OF NETWORK RESTRICTION PERMITTED IN CERTAIN CASES.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), if a managed care entity in relation to benefits provided under this title denies, limits, or otherwise differentiates in benefits or payment for benefits other than emergency services on the basis that the physician or provider of such services is a nonparticipating physician or provider, the entity may deny, limit, or differentiate in coverage or payment for emergency services on such basis.

"(B) NETWORK RESTRICTIONS NOT PERMITTED IN CERTAIN EXCEPTIONAL CASES.—The denial or limitation of, or differentiation in, coverage or payment of benefits for emergency services under subparagraph (A) shall not apply in the following cases:

"(i) CIRCUMSTANCES BEYOND CONTROL OF ENROLLEE.—The enrollee is unable to go to a participating hospital for such services due to circumstances beyond the control of the enrollee (as determined consistent with guidelines and subparagraph (C)).

"(ii) LIKELIHOOD OF AN ADVERSE HEALTH CONSEQUENCE BASED ON LAYPERSON'S JUDGMENT.—A prudent layperson possessing an average knowledge of health and medicine could reasonably believe that, under the circumstances and consistent with guidelines, the time required to go to a participating hospital for such services could result in any of the adverse health consequences described in a clause of subsection (a)(2)(A).

"(iii) PHYSICIAN REFERRAL.—A participating physician or other person authorized by the plan refers the enrollee to an emergency department of a hospital and does not specify an emergency department of a hospital that is a participating hospital with respect to such services.

"(C) APPLICATION OF 'BEYOND CONTROL' STANDARDS.—For purposes of applying subparagraph (B)(i), receipt of emergency services from a nonparticipating hospital shall be treated under the guidelines as being 'due to circumstances beyond the control of the enrollee' if any of the following conditions are met:

"(i) UNCONSCIOUS.—The enrollee was unconscious or in an otherwise altered mental state at the time of initiation of the services.

"(ii) AMBULANCE DELIVERY.—The enrollee was transported by an ambulance or other emergency vehicle directed by a person other than the enrollee to the nonparticipating hospital in which the services were provided.

"(iii) NATURAL DISASTER.—A natural disaster or civil disturbance prevented the enrollee from presenting to a participating hospital for the provision of such services.

"(iv) NO GOOD FAITH EFFORT TO INFORM OF CHANGE IN PARTICIPATION DURING A CONTRACT YEAR.—The status of the hospital changed from a participating hospital to a nonparticipating hospital with respect to emergency services during a contract year and the entity failed to make a good faith effort to notify the enrollee involved of such change.

"(v) OTHER CONDITIONS.—There were other factors (such as those identified in guidelines) that prevented the enrollee from controlling selection of the hospital in which the services were provided.

"(b) ASSURING COORDINATED COVERAGE OF MAINTENANCE CARE AND POST-STABILIZATION CARE.—

"(1) IN GENERAL.—In the case of an individual who is enrolled with a managed care entity and who has received emergency services pursuant to a screening evaluation conducted (or supervised) by a treating physician at a hospital that is a nonparticipating provider with respect to emergency services, if—

"(A) pursuant to such evaluation, the physician identifies post-stabilization care (as defined in paragraph (3)(B)) that is required by the enrollee,

"(B) the coverage through the entity under this title provides benefits with respect to the care so identified and the coverage requires (but for this subsection) an affirmative prior authorization determination as a condition of coverage of such care, and

"(C) the treating physician (or another individual acting on behalf of such physician) initiates, not later than 30 minutes after the time the treating physician determines that the condition of the enrollee is stabilized, a good faith effort to contact a physician or other person authorized by the entity (by telephone or other means) to obtain an affirmative prior authorization determination with respect to the care,

then, without regard to terms and conditions specified in paragraph (2) the entity shall cover maintenance care (as defined in paragraph (3)(A)) furnished to the enrollee during the period specified in paragraph (4) and shall cover post-stabilization care furnished to the enrollee during the period beginning under paragraph (5) and ending under paragraph (6).

"(2) TERMS AND CONDITIONS WAIVED.—The terms and conditions (of coverage) described in this paragraph that are waived under paragraph (1) are as follows:

"(A) The need for any prior authorization determination.

"(B) Any limitation on coverage based on whether or not the physician or provider furnishing the care is a participating physician or provider with respect to such care.

"(C) Any other term or condition of the coverage (other than an exclusion of benefits and other than a requirement relating to medical necessity for coverage of benefits).

"(3) MAINTENANCE CARE AND POST-STABILIZATION CARE DEFINED.—In this subsection:

"(A) MAINTENANCE CARE.—The term 'maintenance care' means, with respect to an individual who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services) that are required by the individual to ensure that the individual remains stabilized during the period described in paragraph (4).

"(B) POST-STABILIZATION CARE.—The term 'post-stabilization care' means, with respect to an individual who is determined to be stable pursuant to a medical screening examination or who is stabilized after provision of emergency services, medically necessary items and services (other than emergency services and other than maintenance care) that are required by the individual.

"(4) PERIOD OF REQUIRED COVERAGE OF MAINTENANCE CARE.—The period of required coverage of maintenance care of an individual under this subsection begins at the time of the request (or the initiation of the good faith effort to make the request) under paragraph (1)(C) and ends when—

"(A) the individual is discharged from the hospital;

"(B) a physician (designated by the managed care entity involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(C) the treating physician and the entity agree to another arrangement with respect to the care of the individual.

"(5) WHEN POST-STABILIZATION CARE REQUIRED TO BE COVERED.—

"(A) WHEN TREATING PHYSICIAN UNABLE TO COMMUNICATE REQUEST.—If the treating physician or other individual makes the good faith effort to request authorization under paragraph (1)(C) but is unable to communicate the request directly with an authorized person referred to in such paragraph within 30 minutes after the time of initiating such effort, then post-stabilization care is required to be covered under this subsection beginning at the end of such 30-minute period.

"(B) WHEN ABLE TO COMMUNICATE REQUEST, AND NO TIMELY RESPONSE.—

"(i) IN GENERAL.—If the treating physician or other individual under paragraph (1)(C) is able to communicate the request within the 30-minute period described in subparagraph (A), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the entity receives the request unless a person authorized by the entity involved communicates (or makes a good faith effort to communicate) a denial of the request for the prior authorization determination within 30 minutes of the time when the entity receives the request and the treating physician does not request under clause (ii) to communicate directly with an authorized physician concerning the denial.

"(ii) REQUEST FOR DIRECT PHYSICIAN-TO-PHYSICIAN COMMUNICATION CONCERNING DENIAL.—If a denial of a request is communicated under clause (i), the treating physician may request to communicate respecting the denial directly with a physician who is authorized by the entity to deny or affirm such a denial.

"(C) WHEN NO TIMELY RESPONSE TO REQUEST FOR PHYSICIAN-TO-PHYSICIAN COMMUNICATION.—If a request for physician-to-physician communication is made under subparagraph (B)(ii), the post-stabilization care requested is required to be covered under this subsection beginning 30 minutes after the time when the entity receives the request from a treating physician unless a physician, who is authorized by the entity to reverse or affirm the initial denial of the care, communicates (or makes a good faith effort to communicate) directly with the treating physician within such 30-minute period.

"(D) DISAGREEMENTS OVER POST-STABILIZATION CARE.—If, after a direct physician-to-physician communication under subparagraph (C), the denial of the request for the post-stabilization care is not reversed and the treating physician communicates to the entity involved a disagreement with such decision, the post-stabilization care requested is required to be covered under this subsection beginning as follows:

"(i) DELAY TO ALLOW FOR PROMPT ARRIVAL OF PHYSICIAN ASSUMING RESPONSIBILITY.—If the issuer communicates that a physician (designated by the entity) with privileges at the hospital involved will arrive promptly (as determined under guidelines) at the emergency department of the hospital in order to assume responsibility with respect to the treatment of the enrollee involved, the required coverage of the post-stabilization care begins after the passage of such time period as would allow the prompt arrival of such a physician.

"(ii) OTHER CASES.—If the entity does not so communicate, the required coverage of the post-stabilization care begins immediately.

"(6) NO REQUIREMENT OF COVERAGE OF POST-STABILIZATION CARE IF ALTERNATE PLAN OF TREATMENT.—

"(A) IN GENERAL.—Coverage of post-stabilization care is not required under this subsection with respect to an individual when—

"(i) subject to subparagraph (B), a physician (designated by the entity involved) and with privileges at the hospital involved arrives at the emergency department of the hospital and assumes responsibility with respect to the treatment of the individual; or

"(ii) the treating physician and the entity agree to another arrangement with respect to the post-stabilization care (such as an appropriate transfer of the individual involved to another facility or an appointment for timely followup treatment for the individual).

"(B) SPECIAL RULE WHERE ONCE CARE INITIATED.—Required coverage of requested post-stabilization care shall not end by reason of subparagraph (A)(i) during an episode of care (as determined by guidelines) if the treating physician initiated such care (consistent with a previous paragraph) before the arrival of a physician described in such subparagraph.

"(7) CONSTRUCTION.—Nothing in this subsection shall be construed as—

"(A) preventing a managed care entity from authorizing coverage of maintenance care or post-stabilization care in advance or at any time; or

"(B) preventing a treating physician or other individual described in paragraph (1)(C) and such an entity from agreeing to modify any of the time periods specified in paragraphs (5) as it relates to cases involving such persons.

"(c) INFORMATION ON ACCESS TO EMERGENCY SERVICES.—A managed care entity, to the extent the entity offers health insurance coverage, shall provide education to enrollees on—

"(1) coverage of emergency services (as defined in subsection (a)(2)(B)) by the entity in accordance with the provisions of this section,

"(2) the appropriate use of emergency services, including use of the 911 telephone system or its local equivalent,

"(3) any cost sharing applicable to emergency services,

"(4) the process and procedures of the plan for obtaining emergency services, and

"(5) the locations of—

"(A) emergency departments, and

"(B) other settings,

in which participating physicians and hospitals provide emergency services and post-stabilization care.

"(d) GENERAL DEFINITIONS.—For purposes of this section:

"(1) COST SHARING.—The term 'cost sharing' means any deductible, coinsurance amount, copayment or other out-of-pocket payment (other than premiums or enrollment fees) that a managed care entity issuer imposes on enrollees with respect to the coverage of benefits.

"(2) GOOD FAITH EFFORT.—The term 'good faith effort' has the meaning given such term in guidelines and requires such appropriate documentation as is specified under such guidelines.

"(3) GUIDELINES.—The term 'guidelines' means guidelines established by the Secretary after consultation with an advisory panel that includes individuals representing emergency physicians, managed care entities, including at least one health maintenance organization, hospitals, employers, the States, and consumers.

"(4) PRIOR AUTHORIZATION DETERMINATION.—The term 'prior authorization determination' means, with respect to items and services for which coverage may be provided by a managed are entity, a determination (before the provision of the items and services and as a condition of coverage of the items and services under the coverage) of whether or not such items and services will be covered under the coverage.

"(5) STABILIZE.—The term 'to stabilize' means, with respect to an emergency medical condition, to provide (in complying with section 1867 of the Social Security Act) such medical treatment of the condition as may be necessary to assure, within reasonable medical probability, that no material deterioration of the condition is likely to result from or occur during the transfer of the individual from the facility.

"(6) STABILIZED.—The term 'stabilized' means, with respect to an emergency medical condition, that no material deterioration of the condition is likely, within reasonable medical probability, to result from or occur before an individual can be transferred from the facility, in compliance with the requirements of section 1867 of the Social Security Act.

"(7) TREATING PHYSICIAN.—The term 'treating physician' includes a treating health care professional who is licensed under State law to provide emergency services other than under the supervision of a physician.

"SEC. 1944. OTHER BENEFICIARY PROTECTIONS.

"(a) PROTECTING ENROLLEES AGAINST THE INSOLVENCY OF MANAGED CARE ENTITIES AND AGAINST THE FAILURE OF THE STATE TO PAY SUCH ENTITIES.—Each managed care entity shall provide that an individual eligible for medical assistance under the State plan under this title who is enrolled with the entity may not be held liable—

"(1) for the debts of the managed care entity, in the event of the medicaid managed care organization's insolvency;

"(2) for services provided to the individual—

"(A) in the event of the medicaid managed care organization failing to receive payment from the State for such services; or

"(B) in the event of a health care provider with a contractual or other arrangement with the medicaid managed care organization failing to receive payment from the State or the managed care entity for such services; or

"(3) for the debts of any health care provider with a contractual or other arrangement with the medicaid managed care organization to provide services to the individual, in the event of the insolvency of the health care provider.

"(b) PROTECTION OF BENEFICIARIES AGAINST BALANCE BILLING THROUGH SUBCONTRACTORS.—

"(1) IN GENERAL.—Any contract between a managed care entity that has an agreement with a State under this title and another entity under which the entity (or any other entity pursuant to the contract) provides directly or indirectly for the provision of services to beneficiaries under the agreement with the State shall include such provisions as the Secretary may require in order to assure that the entity complies with balance billing limitations and other requirements of this title (such as limitation on withholding of services) as they would apply to the managed care entity if such entity provided such services directly and not through a contract with another entity.

"(2) APPLICATION OF SANCTIONS FOR VIOLATIONS.—The provisions of section 1128A(b)(2)(B) and 1128B(d)(1) shall apply with respect to entities contracting directly or indirectly with a managed care entity (with a contract with a State under this title) for the provision of services to beneficiaries under such a contract in the same manner as such provisions would apply to the managed care entity if it provided such services directly and not through a contract with another entity.

"SEC. 1945. ASSURING QUALITY CARE.

"(a) EXTERNAL INDEPENDENT REVIEW OF MANAGED CARE ENTITY ACTIVITIES.—

"(1) REVIEW OF MEDICAID MANAGED CARE ORGANIZATION CONTRACT.—

"(A) IN GENERAL.—Except as provided in paragraph (2), each medicaid managed care organization shall be subject to an annual external independent review of the quality outcomes and timeliness of, and access to, the items and services specified in such organization's contract with the State under section 1941(a)(1)(B). Such review shall specifically evaluate the extent to which the medicaid managed care organization provides such services in a timely manner.

"(B) CONTENTS OF REVIEW.—An external independent review conducted under this subsection shall include—

"(i) a review of the entity's medical care, through sampling of medical records or other appropriate methods, for indications of quality of care and inappropriate utilization (including overutilization) and treatment,

"(ii) a review of enrollee inpatient and ambulatory data, through sampling of medical records or other appropriate methods, to determine trends in quality and appropriateness of care,

"(iii) notification of the entity and the State when the review under this paragraph indicates inappropriate care, treatment, or utilization of services (including overutilization), and

"(iv) other activities as prescribed by the Secretary or the State.

"(C) USE OF PROTOCOLS.—An external independent review conducted under this subsection on and after January 1, 1999, shall use protocols that have been developed, tested, and validated by the Secretary and that are at least as rigorous as those used by the National Committee on Quality Assurance as of the date of the enactment of this section.

"(D) AVAILABILITY OF RESULTS.—The results of each external independent review conducted under this paragraph shall be available to participating health care providers, enrollees, and potential enrollees of the medicaid managed care organization, except that the results may not be made available in a manner that discloses the identity of any individual patient.

"(2) DEEMED COMPLIANCE.—

"(A) MEDICARE ORGANIZATIONS.—The requirements of paragraph (1) shall not apply with respect to a medicaid managed care organization if the organization is an eligible organization with a contract in effect under section 1876.

"(B) PRIVATE ACCREDITATION.—

"(i) IN GENERAL.—The requirements of paragraph (1) shall not apply with respect to a medicaid managed care organization if —

"(I) the organization is accredited by an organization meeting the requirements described in subparagraph (C)); and

"(II) the standards and process under which the organization is accredited meet such requirements as are established under clause (ii), without regard to whether or not the time requirement of such clause is satisfied.

"(ii) STANDARDS AND PROCESS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall specify requirements for the standards and process under which a medicaid managed care organization is accredited by an organization meeting the requirements of subparagraph (B).

"(C) ACCREDITING ORGANIZATION.—An accrediting organization meets the requirements of this subparagraph if the organization—

"(i) is a private, nonprofit organization;

"(ii) exists for the primary purpose of accrediting managed care organizations or health care providers; and

"(iii) is independent of health care providers or associations of health care providers.

"(3) REVIEW OF PRIMARY CARE CASE MANAGEMENT PROVIDER CONTRACT.—Each primary care case management provider shall be subject to an annual external independent review of the quality and timeliness of, and access to, the items and services specified in the contract entered into between the State and the primary care case management provider under section 1941(a)(1)(B).

"(4) USE OF VALIDATION SURVEYS.—The Secretary shall conduct surveys each year to validate external reviews of at least 5 percent of the number of managed care entities in the year. In conducting such surveys the Secretary shall use the same protocols as were used in preparing the external reviews. If an external review finds that an individual managed care entity meets applicable requirements, but the Secretary determines that the entity does not meet such requirements, the Secretary's determination as to the entity's noncompliance with such requirements is binding and supersedes that of the previous survey.

"(b) FEDERAL MONITORING RESPONSIBILITIES.—The Secretary shall review the external independent reviews conducted pursuant to subsection (a) and shall monitor the effectiveness of the State's monitoring and followup activities required under section 1942(b)(1). If the Secretary determines that a State's monitoring and followup activities are not adequate to ensure that the requirements of such section are met, the Secretary shall undertake appropriate followup activities to ensure that the State improves its monitoring and followup activities.

"(c) PROVIDING INFORMATION ON SERVICES.—

"(1) REQUIREMENTS FOR MEDICAID MANAGED CARE ORGANIZATIONS.—

"(A) INFORMATION TO THE STATE.—Each medicaid managed care organization shall provide to the State (at least at such frequency as the Secretary may require), complete and timely information concerning the following:

"(i) The services that the organization provides to (or arranges to be provided to) individuals eligible for medical assistance under the State plan under this title.

"(ii) The identity, locations, qualifications, and availability of participating health care providers.

"(iii) The rights and responsibilities of enrollees.

"(iv) The services provided by the organization which are subject to prior authorization by the organization as a condition of coverage (in accordance with subsection (d)).

"(v) The procedures available to an enrollee and a health care provider to appeal the failure of the organization to cover a service.

"(vi) The performance of the organization in serving individuals eligible for medical assistance under the State plan under this title.

Such information shall be provided in a form consistent with the reporting of similar information by eligible organizations under section 1876.

"(2) REQUIREMENTS FOR PRIMARY CARE CASE MANAGEMENT PROVIDERS.—Each primary care case management provider shall—

"(A) provide to the State (at least at such frequency as the Secretary may require), complete and timely information concerning the services that the primary care case management provider provides to (or arranges to be provided to) individuals eligible for medical assistance under the State plan under this title;

"(B) make available to enrollees and potential enrollees information concerning services available to the enrollee for which prior authorization by the primary care case management provider is required;

"(C) provide enrollees and potential enrollees information regarding all items and services that are available to enrollees under the contract between the State and the primary care case management provider that are covered either directly or through a method of referral and prior authorization; and

"(D) provide assurances that such entities and their professional personnel are licensed as required by State law and qualified to provide case management services, through methods such as ongoing monitoring of compliance with applicable requirements and providing information and technical assistance.

"(3) REQUIREMENTS FOR BOTH MEDICAID MANAGED CARE ORGANIZATIONS AND PRIMARY CARE CASE MANAGEMENT PROVIDERS.—Each managed care entity shall provide the State with aggregate encounter data for all items and services, including early and periodic screening, diagnostic, and treatment services under section 1905(r) furnished to individuals under 21 years of age. Any such data provided may be audited by the State and the Secretary.

"(d) CONDITIONS FOR PRIOR AUTHORIZATION.—Subject to section 1943, a managed care entity may require the approval of medical assistance for nonemergency services before the assistance is furnished to an enrollee only if the system providing for such approval provides that such decisions are made in a timely manner, depending upon the urgency of the situation.

"(e) PATIENT ENCOUNTER DATA.—Each medicaid managed care organization shall maintain sufficient patient encounter data to identify the health care provider who delivers services to patients and to otherwise enable the State plan to meet the requirements of section 1902(a)(27) and shall submit such data to the State or the Secretary upon request. The medicaid managed care organization shall incorporate such information in the maintenance of patient encounter data with respect to such health care provider.

"(f) INCENTIVES FOR HIGH QUALITY MANAGED CARE ENTITIES.—The Secretary and the State may establish a program to reward, through public recognition, incentive payments, or enrollment of additional individuals (or combinations of such rewards), managed care entities that provide the highest quality care to individuals eligible for medical assistance under the State plan under this title who are enrolled with such entities. For purposes of section 1903(a)(7), proper expenses incurred by a State in carrying out such a program shall be considered to be expenses necessary for the proper and efficient administration of the State plan under this title.

"SEC. 1946. PROTECTIONS FOR PROVIDERS.

"(a) INFORMATION TO HEALTH CARE PROVIDERS.—Each medicaid managed care organization shall upon request, make the information described in section 1945(c)(1)(A) available to participating health care providers.

"(b) TIMELINESS OF PAYMENT.—A medicaid managed care organization shall make payment to health care providers for items and services which are subject to the contract under section 1941(a)(1)(B) and which are furnished to individuals eligible for medical assistance under the State plan under this title who are enrolled with the entity on a timely basis consistent with section 1943 and under the claims payment procedures described in section 1902(a)(37)(A), unless the health care provider and the managed care entity agree to an alternate payment schedule.

"(c) APPLICATION OF MEDICARE PROHIBITION OF RESTRICTIONS ON PHYSICIANS' ADVICE AND COUNSEL TO ENROLLEES.—A managed care entity shall comply with the same prohibitions on any restrictions relating to physicians' advice and counsel to individuals as apply to eligible organizations under section 1876.

"(d) PHYSICIAN INCENTIVE PLANS.—Each medicaid managed care organization shall require that any physician incentive plan covering physicians who are participating in the medicaid managed care organization shall meet the requirements of section 1876(i)(8).

"(e) WRITTEN PROVIDER PARTICIPATION AGREEMENTS FOR CERTAIN PROVIDERS.—Each medicaid managed care organization that enters into a written provider participation agreement with a provider described in section 1942(h)(2) shall—

"(1) include terms and conditions that are no more restrictive than the terms and conditions that the medicaid managed care organization includes in its agreements with other participating providers with respect to—

"(A) the scope of covered services for which payment is made to the provider;

"(B) the assignment of enrollees by the organization to the provider;

"(C) the limitation on financial risk or availability of financial incentives to the provider;

"(D) accessibility of care;

"(E) professional credentialing and recredentialing;

"(F) licensure;

"(G) quality and utilization management;

"(I) confidentiality of patient records;

"(J) grievance procedures; and

"(K) indemnification arrangements between the organizations and providers; and

"(2) provide for payment to the provider on a basis that is comparable to the basis on which other providers are paid.

"(f) PAYMENTS TO FEDERALLY-QUALIFIED HEALTH CENTERS.—Each medicaid managed care organization that has a contract under this title with respect to the provision of services of a federally qualified health center shall provide, at the election of such center, that the organization shall provide payments to such a center for services described in 1905(a)(2)(C) at the rates of payment specified in section 1902(a)(13)(E).

"SEC. 1947. ASSURING ADEQUACY OF PAYMENTS TO MEDICAID MANAGED CARE ORGANIZATIONS AND ENTITIES.

"(a) ADEQUATE RATES.—As a condition of approval of a State plan under this title, a State shall find, determine, and make assurances satisfactory to the Secretary that—

"(1) the rates it pays medicaid managed care organizations for individuals eligible under the State plan are reasonable and adequate to assure access to services meeting professionally recognized quality standards, taking into account—

"(A) the items and services to which the rate applies,

"(B) the eligible population, and

"(C) the rate the State pays providers for such items and services;

"(2) the methodology used to adjust the rate adequately reflects the varying risks associated with individuals actually enrolling in each medicaid managed care organization; and

"(3) it will provide for an annual review of the actuarial soundness of rates by an independent actuary selected by the Secretary and for a copy of the actuary's report on each such review to be transmitted to the State and the Secretary and made available to the public.

"(b) ANNUAL REPORTS.—As a condition of approval of a State plan under this title, a State shall report to the Secretary, at least annually, on the rates the States pays to medicaid managed care organizations.

"SEC. 1948. FRAUD AND ABUSE.

"(a) PROVISIONS APPLICABLE TO MANAGED CARE ENTITIES.—

"(1) PROHIBITING AFFILIATIONS WITH INDIVIDUALS DEBARRED BY FEDERAL AGENCIES.—

"(A) IN GENERAL.—A managed care entity may not knowingly—

"(i) have a person described in subparagraph (C) as a director, officer, partner, or person with beneficial ownership of more than 5 percent of the organization's equity; or

"(ii) have an employment, consulting, or other agreement with a person described in such subparagraph for the provision of items and services that are significant and material to the organization's obligations under its contract with the State.

"(B) EFFECT OF NONCOMPLIANCE.—If a State finds that a managed care entity is not in compliance with clause (i) or (ii) of subparagraph (A), the State—

"(i) shall notify the Secretary of such noncompliance;

"(ii) may continue an existing agreement with the entity unless the Secretary (in consultation with the Inspector General of the Department of Health and Human Services) directs otherwise; and

"(iii) may not renew or otherwise extend the duration of an existing agreement with the entity unless the Secretary (in consultation with the Inspector General of the Department of Health and Human Services) provides to the State and to the Congress a written statement describing compelling reasons that exist for renewing or extending the agreement.

"(C) PERSONS DESCRIBED.—A person is described in this subparagraph if such person—

"(i) is debarred, suspended, or otherwise excluded from participating in procurement activities under the Federal acquisition regulation or from participating in nonprocurement activities under regulations issued pursuant to Executive Order 12549; or

"(ii) is an affiliate (within the meaning of the Federal acquisition regulation) of a person described in subparagraph (A).

"(2) RESTRICTIONS ON MARKETING.—

"(A) DISTRIBUTION OF MATERIALS.—

"(i) IN GENERAL.—A managed care entity may not distribute directly or through any agent or independent contractor marketing materials within any State—

"(I) without the prior approval of the State; and

"(II) that contain false or materially misleading information.

"(ii) CONSULTATION IN REVIEW OF MARKET MATERIALS.—In the process of reviewing and approving such materials, the State shall provide for consultation with a medical care advisory committee.

"(iii) PROHIBITION.—The State may not enter into or renew a contract with a managed care entity for the provision of services to individuals enrolled under the State plan under this title if the State determines that the entity distributed directly or through any agent or independent contractor marketing materials in violation of clause (i).

"(B) SERVICE MARKET.—A managed care entity shall distribute marketing materials to the entire service area of such entity.

"(C) PROHIBITION OF TIE-INS.—A managed care entity, or any agency of such entity, may not seek to influence an individual's enrollment with the entity in conjunction with the sale of any other insurance.

"(D) PROHIBITING MARKETING FRAUD.—Each managed care entity shall comply with such procedures and conditions as the Secretary prescribes in order to ensure that, before an individual is enrolled with the entity, the individual is provided accurate oral and written and sufficient information to make an informed decision whether or not to enroll.

"(E) PROHIBITION OF COLD CALL MARKETING.—Each managed care entity shall not, directly or indirectly, conduct door-to-door, telephonic, or other 'cold call' marketing of enrollment under this title.

"(b) PROVISIONS APPLICABLE ONLY TO MEDICAID MANAGED CARE ORGANIZATIONS.—

"(1) STATE CONFLICT-OF-INTEREST SAFEGUARDS IN MEDICAID RISK CONTRACTING.—A medicaid managed care organization may not enter into a contract with any State under section 1941(a)(1)(B) unless the State has in effect conflict-of-interest safeguards with respect to officers and employees of the State with responsibilities relating to contracts with such organizations or to the default enrollment process described in section 1941(a)(1)(F) that are at least as effective as the Federal safeguards provided under section 27 of the Office of Federal Procurement Policy Act (41 U.S.C. 423), against conflicts of interest that apply with respect to Federal procurement officials with comparable responsibilities with respect to such contracts.

"(2) REQUIRING DISCLOSURE OF FINANCIAL INFORMATION.—In addition to any requirements applicable under section 1902(a)(27) or 1902(a)(35), a medicaid managed care organization shall—

"(A) report to the State (and to the Secretary upon the Secretary's request) such financial information as the State or the Secretary may require to demonstrate that—

"(i) the organization has the ability to bear the risk of potential financial losses and otherwise has a fiscally sound operation;

"(ii) the organization uses the funds paid to it by the State and the Secretary for activities consistent with the requirements of this title and the contract between the State and organization; and

"(iii) the organization does not place an individual physician, physician group, or other health care provider at substantial risk (as determined by the Secretary) for services not provided by such physician, group, or health care provider, by providing adequate protection (as determined by the Secretary) to limit the liability of such physician, group, or health care provider, through measures such as stop loss insurance or appropriate risk corridors;

"(B) agree that the Secretary and the State (or any person or organization designated by either) shall have the right to audit and inspect any books and records of the organization (and of any subcontractor) relating to the information reported pursuant to subparagraph (A) and any information required to be furnished under section paragraphs (27) or (35) of section 1902(a);

"(C) make available to the Secretary and the State a description of each transaction described in subparagraphs (A) through (C) of section 1318(a)(3) of the Public Health Service Act between the organization and a party in interest (as defined in section 1318(b) of such Act);

"(D) agree to make available to its enrollees upon reasonable request—

"(i) the information reported pursuant to subparagraph (A); and

"(ii) the information required to be disclosed under sections 1124 and 1126;

"(E) comply with subsections (a) and (c) of section 1318 of the Public Health Service Act (relating to disclosure of certain financial information) and with the requirement of section 1301(c)(8) of such Act (relating to liability arrangements to protect members); and

"(F) notify the Secretary of loans and other special financial arrangements which are made between the organization and subcontractors, affiliates, and related parties.

Each State is required to conduct audits on the books and records of at least 1 percent of the number of medicaid managed care organizations operating in the State.

"(3) ADEQUATE PROVISION AGAINST RISK OF INSOLVENCY.—

"(A) ESTABLISHMENT OF STANDARDS.—The Secretary shall establish standards, including appropriate equity standards, under which each medicaid managed care organization shall make adequate provision against the risk of insolvency.

"(B) CONSIDERATION OF OTHER STANDARDS.—In establishing the standards described in subparagraph (A), the Secretary shall consider solvency standards applicable to eligible organizations with a risk-sharing contract under section 1876.

"(C) MODEL CONTRACT ON SOLVENCY.—At the earliest practicable time after the date of enactment of this section, the Secretary shall issue guidelines concerning solvency standards for risk contracting entities and subcontractors of such risk contracting entities. Such guidelines shall take into account characteristics that may differ among risk contracting entities including whether such an entity is at risk for inpatient hospital services.

"(4) REQUIRING REPORT ON NET EARNINGS AND ADDITIONAL BENEFITS.—Each medicaid managed care organization shall submit a report to the State and the Secretary not later than 12 months after the close of a contract year containing the most recent audited financial statement of the organization's net earnings and consistent with generally accepted accounting principles.

"(c) DISCLOSURE OF OWNERSHIP AND RELATED INFORMATION.—Each medicaid managed care organization shall provide for disclosure of information in accordance with section 1124.

"(d) DISCLOSURE OF TRANSACTION INFORMATION.—

"(1) IN GENERAL.—Each medicaid managed care organization which is not a qualified health maintenance organization (as defined in section 1310(d) of the Public Health Service Act) shall report to the State and, upon request, to the Secretary, the Inspector General of the Department of Health and Human Services, and the Comptroller General a description of transactions between the organization and a party in interest (as defined in section 1318(b) of such Act), including the following transactions:

"(A) Any sale or exchange, or leasing of any property between the organization and such a party.

"(B) Any furnishing for consideration of goods, services (including management services), or facilities between the organization and such a party, but not including salaries paid to employees for services provided in the normal course of their employment.

"(C) Any lending of money or other extension of credit between the organization and such a party.

The State or Secretary may require that information reported respecting a organization which controls, or is controlled by, or is under common control with, another entity be in the form of a consolidated financial statement for the organization and such entity.

"(2) Each such organization shall make the information reported pursuant to paragraph (1) available to its enrollees upon reasonable request.

"(e) CONTRACT OVERSIGHT.—

"(1) IN GENERAL.—The Secretary must provide prior review and approval for contracts under this part with a medicaid managed care organization providing for expenditures under this title in excess of $1,000,000.

"(2) INSPECTOR GENERAL REVIEW.—As part of such approval process, the Inspector General in the Department of Health and Human Services, effective October 1, 1997, shall make a determination (to the extent practicable) as to whether persons with an ownership interest (as defined in section 1124(a)(3)) or an officer, director, agent, or managing employee (as defined in section 1126(b)) of the organization are or have been described in subsection (a)(1)(C) based on a ground relating to fraud, theft, embezzlement, breach of fiduciary responsibility, or other financial misconduct or obstruction of an investigation.

"(f) LIMITATION ON AVAILABILITY OF FFP FOR USE OF ENROLLMENT BROKERS.—Amounts expended by a State for the use an enrollment broker in marketing managed care entities to eligible individuals under this title shall be considered, for purposes of section 1903(a)(7), to be necessary for the proper and efficient administration of the State plan but only if the following conditions are met with respect to the broker:

"(1) The broker is independent of any such entity and of any health care providers (whether or not any such provider participates in the State plan under this title) that provide coverage of services in the same State in which the broker is conducting enrollment activities.

"(2) No person who is an owner, employee, consultant, or has a contract with the broker either has any direct or indirect financial interest with such an entity or health care provider or has been excluded from participation in the program under this title or title

XVIII or debarred by any Federal agency, or subject to a civil money penalty under this Act.

"(g) USE OF UNIQUE PHYSICIAN IDENTIFIER FOR PARTICIPATING PHYSICIANS.—Each medicaid managed care organization shall require each physician providing services to enrollees eligible for medical assistance under the State plan under this title to have a unique identifier in accordance with the system established under section 1173(b).

"(h) SECRETARIAL RECOVERY OF FFP FOR CAPITATION PAYMENTS FOR INSOLVENT MANAGED CARE ENTITIES.—The Secretary shall provide for the recovery and offset against amount owed a State under section 1903(a)(1) an amount equal to the amounts paid to the State, for medical assistance provided under such section for expenditures for capitation payments to a managed care entity that becomes insolvent, for services contracted for with, but not provided by, such organization.

"SEC. 1949. SANCTIONS FOR NONCOMPLIANCE BY MANAGED CARE ENTITIES.

"(a) USE OF INTERMEDIATE SANCTIONS BY THE STATE TO ENFORCE REQUIREMENTS.—Each State shall establish intermediate sanctions, which may include any of the types described in subsection (b) other than the termination of a contract with a managed care entity, which the State may impose against a managed care entity with a contract under section 1941(a)(1)(B) if the entity—

"(1) fails substantially to provide medically necessary items and services that are required (under law or under such entity's contract with the State) to be provided to an enrollee covered under the contract;

"(2) imposes premiums or charges on enrollees in excess of the premiums or charges permitted under this title;

"(3) acts to discriminate among enrollees on the basis of their health status or requirements for health care services, including expulsion or refusal to reenroll an individual, except as permitted by this part, or engaging in any practice that would reasonably be expected to have the effect of denying or discouraging enrollment with the entity by eligible individuals whose medical condition or history indicates a need for substantial future medical services;

"(4) misrepresents or falsifies information that is furnished—

"(A) to the Secretary or the State under this part; or

"(B) to an enrollee, potential enrollee, or a health care provider under such sections; or

"(5) fails to comply with the requirements of section 1876(i)(8) or this part.

"(b) INTERMEDIATE SANCTIONS.—The sanctions described in this subsection are as follows:

"(1) Civil money penalties as follows:

"(A) Except as provided in subparagraph (B), (C), or (D), not more than $25,000 for each determination under subsection (a).

"(B) With respect to a determination under paragraph (3) or (4)(A) of subsection (a), not more than $100,000 for each such determination.

"(C) With respect to a determination under subsection (a)(2), double the excess amount charged in violation of such subsection (and the excess amount charged shall be deducted from the penalty and returned to the individual concerned).

"(D) Subject to subparagraph (B), with respect to a determination under subsection (a)(3), $15,000 for each individual not enrolled as a result of a practice described in such subsection.

"(2) The appointment of temporary management to oversee the operation of the medicaid-only managed care entity upon a finding by the State that there was continued egregious behavior by the plan and to assure the health of the entity's enrollees, if there is a need for temporary management while—

"(A) there is an orderly termination or reorganization of the managed care entity; or

"(B) improvements are made to remedy the violations found under subsection (a), except that temporary management under this paragraph may not be terminated until the State has determined that the managed care entity has the capability to ensure that the violations shall not recur.

"(3) Permitting individuals enrolled with the managed care entity to terminate enrollment without cause, and notifying such individuals of such right to terminate enrollment.

"(4) Suspension of default or all enrollment of individuals under this title after the date the Secretary or the State notifies the entity of a determination of a violation of any requirement of this part.

"(5) Suspension of payment to the entity under this title for individuals enrolled after the date the Secretary or State notifies the entity of such a determination and until the Secretary or State is satisfied that the basis for such determination has been corrected and is not likely to recur.

"(c) TREATMENT OF CHRONIC SUBSTANDARD ENTITIES.—In the case of a managed care entity which has repeatedly failed to meet the requirements of sections 1942 through 1946, the State shall (regardless of what other sanctions are provided) impose the sanctions described in paragraphs (2) and (3) of subsection (b).

"(d) AUTHORITY TO TERMINATE CONTRACT.—In the case of a managed care entity which has failed to meet the requirements of this part, the State shall have the authority to terminate its contract with such entity under section 1941(a)(1)(B) and to enroll such entity's enrollees with other managed care entities (or to permit such enrollees to receive medical assistance under the State plan under this title other than through a managed care entity).

"(e) AVAILABILITY OF SANCTIONS TO THE SECRETARY.—

"(1) INTERMEDIATE SANCTIONS.—In addition to the sanctions described in paragraph (2) and any other sanctions available under law, the Secretary may provide for any of the sanctions described in subsection (b) if the Secretary determines that a managed care entity with a contract under section 1941(a)(1)(B) fails to meet any of the requirements of this part.

"(2) DENIAL OF PAYMENTS TO THE STATE.—The Secretary may deny payments to the State for medical assistance furnished under the contract under section 1941(a)(1)(B) for individuals enrolled after the date the Secretary notifies a managed care entity of a determination under subsection (a) and until the Secretary is satisfied that the basis for such determination has been corrected and is not likely to recur.

"(f) DUE PROCESS FOR MANAGED CARE ENTITIES.—

"(1) AVAILABILITY OF HEARING PRIOR TO TERMINATION OF CONTRACT.—A State may not terminate a contract with a managed care entity under section 1941(a)(1)(B) unless the entity is provided with a hearing prior to the termination.

"(2) NOTICE TO ENROLLEES OF TERMINATION HEARING.—A State shall notify all individuals enrolled with a managed care entity which is the subject of a hearing to terminate the entity's contract with the State of the hearing and that the enrollees may immediately disenroll with the entity without cause.

"(3) OTHER PROTECTIONS FOR MANAGED CARE ENTITIES AGAINST SANCTIONS IMPOSED BY STATE.—Before imposing any sanction against a managed care entity other than termination of the entity's contract, the State shall provide the entity with notice and such other due process protections as the State may provide, except that a State may not provide a managed care entity with a pre-termination hearing before imposing the sanction described in subsection (b)(2).

"(4) IMPOSITION OF CIVIL MONETARY PENALTIES BY SECRETARY.—The provisions of section 1128A (other than subsections (a) and (b)) shall apply with respect to a civil money penalty imposed by the Secretary under subsection (b)(1) in the same manner as such provisions apply to a penalty or proceeding under section 1128A.

"SEC. 1950. DEFINITIONS; MISCELLANEOUS PROVISIONS.

"(a) DEFINITIONS.—For purposes of this title:

"(1) MANAGED CARE ENTITY.—The term 'managed care entity' means—

"(A) a medicaid managed care organization; or

"(B) a primary care case management provider.

"(2) MEDICAID MANAGED CARE ORGANIZATION.—The term 'medicaid managed care organization' means a health maintenance organization, an eligible organization with a contract under section 1876, a provider sponsored network or any other organization which is organized under the laws of a State, has made adequate provision (as determined under standards established for purposes of eligible organizations under section 1876 and through its capitalization or otherwise) against the risk of insolvency, and provides or arranges for the provision of one or more items and services to individuals eligible for medical assistance under the State plan under this title in accordance with a contract with the State under section 1941(a)(1)(B).

"(3) PRIMARY CARE CASE MANAGEMENT PROVIDER.—

"(A) IN GENERAL.—The term 'primary care case management provider' means a health care provider that—

"(i) is a physician, group of physicians, a Federally-qualified health center, a rural health clinic, or an entity employing or having other arrangements with physicians that provides or arranges for the provision of one or more items and services to individuals eligible for medical assistance under the State plan under this title in accordance with a contract with the State under section 1941(a)(1)(B);

"(ii) receives payment on a fee-for-service basis (or, in the case of a Federally-qualified health center or a rural health clinic, on a reasonable cost per encounter basis) for the provision of health care items and services specified in such contract to enrolled individuals;

"(iii) receives an additional fixed fee per enrollee for a period specified in such contract for providing case management services (including approving and arranging for the provision of health care items and services specified in such contract on a referral basis) to enrolled individuals; and

"(iv) is not an entity that is at risk.

"(B) AT RISK.—In subparagraph (A)(iv), the term 'at risk' means an entity that—

"(i) has a contract with the State under which such entity is paid a fixed amount for

providing or arranging for the provision of health care items or services specified in such contract to an individual eligible for medical assistance under the State plan and enrolled with such entity, regardless of whether such items or services are furnished to such individual; and

"(ii) is liable for all or part of the cost of furnishing such items or services, regardless of whether such cost exceeds such fixed payment.".

SEC. 3. STUDIES AND REPORTS.

(a) REPORT ON PUBLIC HEALTH SERVICES.—

(1) IN GENERAL.—Not later than January 1, 1998, the Secretary of Health and Human Services (in this section referred to as the "Secretary") shall report to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives on the effect of managed care entities (as defined in section 1950(a)(1) of the Social Security Act) on the delivery of and payment for the services traditionally provided through providers described in section 1941(a)(2)(B)(i) of such Act.

(2) CONTENTS OF REPORT.—The report referred to in subsection (a) shall include—

(A) information on the extent to which enrollees with eligible managed care entities seek services at local health departments, public hospitals, and other facilities that provide care without regard to a patient's ability to pay;

(B) information on the extent to which the facilities described in such subsection provide services to enrollees with eligible managed care entities without receiving payment;

(C) information on the effectiveness of systems implemented by facilities described in such subsection for educating such enrollees on services that are available through eligible managed care entities with which such enrollees are enrolled;

(D) to the extent possible, identification of the types of services most frequently sought by such enrollees at such facilities; and

(E) recommendations about how to ensure the timely delivery of the services traditionally provided through providers described in section 1941(a)(2)(B)(i) of the Social Security Act to enrollees of managed care entities and how to ensure that local health departments, public hospitals, and other facilities are adequately compensated for the provision of such services to such enrollees.

(b) REPORT ON PAYMENTS TO HOSPITALS.—

(1) IN GENERAL.—Not later than October 1 of each year, beginning with October 1, 1998, the Secretary and the Comptroller General shall analyze and submit a report to the Committee on Finance of the Senate and the Committee on Commerce of the House of Representatives on rates paid for hospital services under managed care entities under contracts under section 1941(a)(1)(B) of the Social Security Act.

(2) CONTENTS OF REPORT.—The information in the report described in paragraph (1) shall—

(A) be organized by State, type of hospital, type of service, and

(B) include a comparison of rates paid for hospital services under managed care entities with rates paid for hospital services furnished to individuals who are entitled to benefits under a State plan under title XIX of the Social Security Act and are not enrolled with such entities.

(c) REPORTS BY STATES.—Each State shall transmit to the Secretary, at such time and in such manner as the Secretary determines appropriate, the information on hospital rates submitted to such State under section 1947(b)(2) of such Act.

(d) INDEPENDENT STUDY AND REPORT ON QUALITY ASSURANCE AND ACCREDITATION STANDARDS.—The Institute of Medicine of the National Academy of Sciences shall conduct a study and analysis of the quality assurance programs and accreditation standards applicable to managed care entities operating in the private sector or to such entities that operate under contracts under the medicare program under title XVIII of the Social Security Act to determine if such programs and standards include consideration of the accessibility and quality of the health care items and services delivered under such contracts to low-income individuals.

SEC. 4. CONFORMING AMENDMENTS.

(a) REPEAL OF CURRENT REQUIREMENTS.—

(1) IN GENERAL.—Except as provided in paragraph (2), section 1903(m) (42 U.S.C. 1396b(m)) is repealed on the date of the enactment of this Act.

(2) EXISTING CONTRACTS.—In the case of any contract under section 1903(m) of such Act which is in effect on the day before the date of the enactment of this Act, the provisions of such section shall apply to such contract until the earlier of—

(A) the day after the date of the expiration of the contract; or

(B) the date which is 1 year after the date of the enactment of this Act.

(b) FEDERAL FINANCIAL PARTICIPATION.—

(1) CLARIFICATION OF APPLICATION OF FFP DENIAL RULES TO PAYMENTS MADE PURSUANT TO MANAGED CARE ENTITIES.—Section 1903(i) (42 U.S.C. 1396b(i)) is amended by adding at the end the following sentence: "Paragraphs (1)(A), (1)(B), (2), (5), and (12) shall apply with respect to items or services furnished and amounts expended by or through a managed care entity (as defined in section 1950(a)(1)) in the same manner as such paragraphs apply to items or services furnished and amounts expended directly by the State.".

(2) FFP FOR EXTERNAL QUALITY REVIEW ORGANIZATIONS.—Section 1903(a)(3)(C) (42 U.S.C. 1396b(a)(3)(C)) is amended—

(A) by inserting "(i)" after "(C)", and

(B) by adding at the end the following new clause:

"(ii) 75 percent of the sums expended with respect to costs incurred during such quarter (as found necessary by the Secretary for the proper and efficient administration of the State plan) as are attributable to the performance of independent external reviews of managed care entities (as defined in section 1950(a)(1)) by external quality review organizations, but only if such organizations conduct such reviews under protocols approved by the Secretary and only in the case of such organizations that meet standards established by the Secretary relating to the independence of such organizations from agencies responsible for the administration of this title or eligible managed care entities; and".

(c) EXCLUSION OF CERTAIN INDIVIDUALS AND ENTITIES FROM PARTICIPATION IN PROGRAM.—Section 1128(b)(6)(C) (42 U.S.C. 1320a-7(b)(6)(C)) is amended—

(1) in clause (i), by striking "a health maintenance organization (as defined in section 1903(m))" and inserting "a managed care entity, as defined in section 1950(a)(1),"; and

(2) in clause (ii), by inserting "section 1115 or" after "approved under".

(d) STATE PLAN REQUIREMENTS.—Section 1902 (42 U.S.C. 1396a) is amended—

(1) in subsection (a)(30)(C), by striking "section 1903(m)" and inserting "section 1941(a)(1)(B)"; and

(2) in subsection (a)(57), by striking "hospice program, or health maintenance organization (as defined in section 1903(m)(1)(A))" and inserting "or hospice program";

(3) in subsection (e)(2)(A), by striking "or with an entity described in paragraph (2)(B)(iii), (2)(E), (2)(G), or (6) of section 1903(m) under a contract described in section 1903(m)(2)(A)" and inserting "or with a managed care entity, as defined in section 1950(a)(1);

(4) in subsection (p)(2)—

(A) by striking "a health maintenance organization (as defined in section 1903(m))" and inserting "a managed care entity, as defined in section 1950(a)(1),";

(B) by striking "an organization" and inserting "an entity"; and

(C) by striking "any organization" and inserting "any entity"; and

(5) in subsection (w)(1), by striking "sections 1903(m)(1)(A) and" and inserting "section".

(e) PAYMENT TO STATES.—Section 1903(w)(7)(A)(viii) (42 U.S.C. 1396b(w)(7)(A)(viii)) is amended to read as follows:

"(viii) Services of a managed care entity with a contract under section 1941(a)(1)(B).".

(f) USE OF ENROLLMENT FEES AND OTHER CHARGES.—Section 1916 (42 U.S.C. 1396o) is amended in subsections (a)(2)(D) and (b)(2)(D) by striking "a health maintenance organization (as defined in section 1903(m))" and inserting "a managed care entity, as defined in section 1950(a)(1)," each place it appears.

(g) EXTENSION OF ELIGIBILITY FOR MEDICAL ASSISTANCE.—Section 1925(b)(4)(D)(iv) (42 U.S.C. 1396r-6(b)(4)(D)(iv)) is amended to read as follows:

"(iv) ENROLLMENT WITH MANAGED CARE ENTITY.—Enrollment of the caretaker relative and dependent children with a managed care entity, as defined in section 1950(a)(1), less than 50 percent of the membership (enrolled on a prepaid basis) of which consists of individuals who are eligible to receive benefits under this title (other than because of the option offered under this clause). The option of enrollment under this clause is in addition to, and not in lieu of, any enrollment option that the State might offer under subparagraph (A)(i) with respect to receiving services through a managed care entity in accordance with part B.".

(h) PAYMENT FOR COVERED OUTPATIENT DRUGS.—Section 1927(j)(1) (42 U.S.C. 1396r-8(j)(1)) is amended by striking "***Health Maintenance Organizations, including those organizations that contract under section 1903(m)," and inserting "health maintenance organizations and medicaid managed care organizations, as defined in section 1950(a)(2),".

(i) APPLICATION OF SANCTIONS FOR BALANCED BILLING THROUGH SUBCONTRACTORS.—(1) Section 1128A(b)(2)(B) (42 U.S.C. 1320a-7a(b)) is amended by inserting ", including section 1944(b)" after "title XIX".

(2) Section 1128B(d)(1) (42 U.S.C. 1320a-7b(d)(1)) is amended by inserting "or, in the case of an individual enrolled with a managed care entity under part B of title XIX, the applicable rates established by the entity under the agreement with the State agency under such part" after "established by the State".

(j) REPEAL OF CERTAIN RESTRICTIONS ON OBSTETRICAL AND PEDIATRIC PROVIDERS.—Section 1903(i) (42 U.S.C. 1396b(i)) is amended by striking paragraph (12).

(k) DEMONSTRATION PROJECTS TO STUDY EFFECT OF ALLOWING STATES TO EXTEND MEDICAID COVERAGE FOR CERTAIN FAMILIES.—Section 4745(a)(5)(A) of the Omnibus Budget Reconciliation Act of 1990 (42 U.S.C. 1396a note) is amended by striking "(except section 1903(m)" and inserting "(except part B)".

(l) CONFORMING AMENDMENT FOR DISCLOSURE REQUIREMENTS FOR MANAGED CARE ENTITIES.—Section 1124(a)(2)(A) (42 U.S.C. 1320a-3(a)(2)(A)) is amended by inserting "managed care entity under title XIX," after "renal dialysis facility,".

(m) ELIMINATION OF REGULATORY PAYMENT CAP.—The Secretary of Health and Human Services may not, under the authority of section 1902(a)(30)(A) of the Social Security Act or any other provision of title XIX of such Act, impose a limit by regulation on the amount of the capitation payments that a State may make to qualified entities under such title, and section 447.361 of title 42, Code of Federal Regulations (relating to upper limits of payment: risk contracts), is hereby nullified.

(n) CONTINUATION OF ELIGIBILITY.—Section 1902(e) (42 U.S.C. 1396a(e)) is amended by striking paragraph (2) and inserting the following:

"(2) For provision providing for extended liability in the case of certain beneficiaries enrolled with managed care entities, see section 1941(c).".

(o) CONFORMING AMENDMENTS TO FREEDOM-OF-CHOICE PROVISIONS.—Section 1902(a)(23) (42 U.S.C. 1396a(a)(23)) is amended—

(1) in the matter preceding subparagraph (A), by striking "subsection (g) and in section 1915" and inserting "subsection (g), section 1915, and section 1941,"; and

(2) in subparagraph (B), by striking "a health maintenance organization, or a" and inserting "or with a managed care entity, as defined in section 1950(a)(1), or".

SEC. 5. EFFECTIVE DATE; STATUS OF WAIVERS.

(a) EFFECTIVE DATE.—Except as provided in subsection (b), the amendments made by this Act shall apply to medical assistance furnished—

(1) during quarters beginning on or after October 1, 1997; or

(2) in the case of assistance furnished under a contract described in section 4(a)(2), during quarters beginning after the earlier of—

(A) the date of the expiration of the contract; or

(B) the expiration of the 1-year period which begins on the date of the enactment of this Act.

(b) APPLICATION TO WAIVERS.—

(1) EXISTING WAIVERS.—If any waiver granted to a State under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n) or otherwise which relates to the provision of medical assistance under a State plan under title XIX of the such Act (42 U.S.C. 1396 et seq.), is in effect or approved by the Secretary of Health and Human Services as of the applicable effective date described in subsection (a), the amendments made by this Act shall not apply with respect to the State before the expiration (determined without regard to any extensions) of the waiver to the extent such amendments are inconsistent with the terms of the waiver.

(2) SECRETARIAL EVALUATION AND REPORT FOR EXISTING WAIVERS AND EXTENSIONS.—

(A) PRIOR TO APPROVAL.—On and after the applicable effective date described in subsection (a), the Secretary, prior to extending any waiver granted under section 1115 or 1915 of the Social Security Act (42 U.S.C. 1315, 1396n) or otherwise which relates to the provision of medical assistance under a State plan under title XIX of the such Act (42 U.S.C. 1396 et seq.), shall—

(i) conduct an evaluation of—

(I) the waivers existing under such sections or other provision of law as of the date of the enactment of this Act; and

(II) any applications pending, as of the date of the enactment of this Act, for extensions of waivers under such sections or other provision of law; and

(ii) submit a report to the Congress recommending whether the extension of a waiver under such sections or provision of law should be conditioned on the State submitting the request for an extension complying with the provisions of part B of title XIX of the Social Security Act (as added by this Act).

(B) DEEMED APPROVAL.—If the Congress has not enacted legislation based on a report submitted under subparagraph (A)(ii) within 120 days after the date such report is submitted to the Congress, the recommendations contained in such report shall be deemed to be approved by the Congress.

By Mr. GRAHAM (for himself, Mr. MACK, and Mr. BAUCUS):

S. 865. A bill to provide for improved coordination, communications, 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 Finance.

THE MEDICARE ANTI-FRAUD ACT OF 1997

Mr. GRAHAM. Mr. President, I rise today, and join my colleagues, Senator MACK and Senator BAUCUS, to introduce timely legislation that addresses a problem that continues to plague the Medicare Program—fraud and abuse. The premise of this bill is quite simple: if Congress is to look for cuts in the Medicare Program, it should begin with eradicating fraud—for several reasons:

First, we cannot fix Medicare while letting fraud erode the system. The General Accounting Office estimates that the Medicare waste, fraud, and abuse ripoff rate is about 10 percent. With fraud pilfering the health system's resources losses to Medicare and the Federal share of Medicaid could be $30 billion annually. Using the most conservative of estimates, we could cover an additional 2 million seniors a year with funds lost just to Medicare waste, fraud, and abuse.

Mr. President, over the next few weeks, Congress will be ironing out the details of a historic budget agreement—one which will finally balance the budget. And both Congress and the President deserve credit for doing so. However, a balanced budget does not come without some pain—some consequences. For instance, the Medicare Program will realize cuts of approximately $115 billion over the next 5 years. We will be asking our Nation's seniors to share in the sacrifice along with the rest of the country.

Congress cannot, in good conscience, ask the Medicare Program and its beneficiaries to accept cuts unless we also work hard to eradicate fraud and abuse. Passage of the Kennedy-Kassebaum legislation last year was a step in the right direction. But the cheats and swindlers are clever at gaming the system. It is a sad fact that there will always be greedy people looking to take advantage of our Nation's seniors. So it is imperative that Congress be equally vigilant by cracking down on fraud wherever possible. Passage of my bill will continue the process and send this signal to the con artists and thieves: "Your days are numbered."

My legislation is crafted to build on State successes. For instance, one of the most crucial provisions in my bill, modeled after an extremely successful Florida Medicaid antifraud program, requires providers of durable medical equipment, home health, and transportation services to post a $50,000 surety bond to participate in the Medicare Program.

While a $50,000 bond is relatively inexpensive to post for scrupulous contractors, at the cost of between $500 and $1,500, the requirement has achieved tremendous results in my State. Since implementation of the surety bond requirement, the fly-by-night providers have scattered like so many roaches when the lights are turned on.

Durable medical equipment suppliers have dropped by 62 percent, from 4,146 to 1,565; home health agencies have decreased by 41 percent, from 738 to 441; providers of transportation services have disenrolled from the State's Medicaid Programs in droves—from 1,759 to 742, a drop of 58 percent. Fewer providers bilking the State's Medicaid Program is projected to save over $192 million over the next 2 years in Florida.

Two years ago I spent a day working in the U.S. attorney's Office in south Florida. I realized then that it was easier to get a provider number under Medicare than a personal VISA; easier to get a blank check paid for by the Treasury than a VISA or MasterCard.

This bill requires individuals to provide their social security number [SSN] and employer identification number [EIN] to get a Medicare provider number. This will make it more difficult for swindlers to enter the program. This bill has several other provisions which are critical to stemming rampant fraud in the Medicare Program:

My bill would enable State fraud control units, often the first line in the fight against health care fraud, to investigate and prosecute fraud in Federal health care programs.

It would also prevent providers from discharging Medicare debt by declaring bankruptcy. The bill would also preclude Medicare swindlers from transferring their business to a family member in order to circumvent exclusion from the Medicare Program.

This legislation enacts a broad-based Federal statute aimed at suppressing Medicare fraud. It enhances the arsenal of weapons to combat fraud and prescribes stiff penalties against those convicted of fraud.

At the signing of the Medicare bill in Missouri 30 years ago, President Johnson said that Medicare had been planted with "the seed of compassion and duty which have today flowered into care for the sick and serenity for the fearful." Medicare has lived up to its promise. But fraud is threatening to compromise the integrity of the system. We have the prescriptions to combat fraud. Now is the time to employ them if we want to save the integrity of Medicare.

By Mrs. HUTCHISON:

S. 866. A bill to amend title 29, United States Code, to provide that certain voluntary disclosures of violations of Federal law made as a result of a voluntary environmental audit shall not be subject to discovery or admitted into evidence during a judicial or administrative proceeding, and for other purposes; to the Committee on the Judiciary.

THE ENVIRONMENTAL PROTECTION PARTNERSHIP ACT

Mrs. HUTCHISON. Mr. President, the title of the bill I send to the desk is the Environmental Protection Partnership Act of 1997. By introducing this bill, I am suggesting that the Federal Government take a cue from the States regarding environmental protection. Many State governments have passed laws that allow for voluntary audits of environmental compliance. These laws encourage a company to conduct an audit of its compliance with environmental laws. By conducting the audit, the company determines whether it is in compliance with all environmental laws. If it is not, these state laws allow the company, without penalty, to correct any violations it finds so it will come into compliance.

What my bill does is let the Federal Government do the same thing. It lets the Federal Government say to companies all over America, if you want to do a voluntary audit for environmental compliance, we are going to let you do that. We will encourage you but not force you to do it. And we are not going to come in and threaten you with the hammer of the EPA if you, in fact, move swiftly to come into compliance when you find that you are not in compliance.

We think this is the most effective way to clean up the air and water. Our air and water are invaluable natural resources. They are cleaner than they have been in 25 years, and we want to keep improving our efforts to guarantee their protection. This bill will ensure that, in the same fashion as many States have done. It does not preempt State law. If State laws are on the books, then the State laws prevail. But this offers companies all over our country the ability to comply with Federal standards in a voluntary way, to critically assess their compliance and not be penalized if they then take action to immediately come into compliance.

So I am asking that we take up this bill very quickly in committee. I think through this bill we can do a lot of good for America.

Mr. President, today I introduce legislation that will ensure that we continue to increase the protection of our environment in the United States. My bill, the Environmental Protection Partnership Act of 1997, provides incentives for companies to assess their own environmental compliance. Rather than playing a waiting game for EPA to find environmental violations, companies will find—and stop—violations. Many more violations will be corrected, and many others will be prevented.

Under my bill, if a company voluntarily completes an environmental audit—a thorough review of its compliance with environmental laws—the audit report may not be used against the company in court. The report can be used in court, however, if the company found violations and did not promptly make efforts to comply. By extending this privilege, a company that looks for, finds, and remedies problems will continue this good conduct, and protect the environment.

In addition, if a company does an audit, and promptly corrects any violations, the company may choose to disclose the violation to EPA. If the company does disclose the violation, the company will not be penalized for the violations. By ensuring companies that they will not be dragged into court for being honest, the bill encourages companies to find and fix violations and report them to EPA.

This does not mean that companies that pollute go scot-free. Under this bill, there is no protection for: willful and intentional violators; companies that do not promptly cure violations; companies asserting the law fraudulently; or companies trying to evade an imminent or ongoing investigation. Further, the bill does not protect companies that have policies that permit ongoing patterns of violations of environmental laws. And where a violation results in a continuing adverse public health or environmental effect, a company may not use the protections of this law.

Nor does this bill mean that EPA loses any authority to find violations and punish companies for polluting. EPA retains all its present authority.

At the same time that EPA retains full authority to enforce environmental laws, I propose to engage every company voluntarily in environmental protection by creating the incentive for those companies to find and cure their own violations. This frees EPA to target its enforcement dollars on the bad actors—the companies that intentionally pollute our water and air.

Twenty-one States have already passed audit laws. These States understand that to truly protect the environment, everyone must participate. These States have made it possible for companies to want to be good actors and play an active role in environmental protection. Texas has an audit law. Hundreds of companies have carried out a voluntary environmental audit, and after only 18 months, companies had already reported and corrected 50 violations. Other States report similar success.

My bill does not mandate that States adopt these policies. It does not mandate that States amend their laws. Quite the opposite. My bill specifically does not preempt State law. Therefore, a State may choose not to enact an audit law, but a company in that State can still conduct a voluntary audit with respect to Federal environmental law. Further, in a State with an audit law, a company will be able to thoroughly review its entire State and Federal compliance, and remedy any violations it may find. Therefore, my bill supports—but does not supplant—State efforts by encouraging companies to audit their compliance with Federal environmental laws as well.

We have made great strides in cleaning up our environment over the past 30 years. To continue this trend, we need to be preventing pollution, rather than always reacting to environmental problems after they occur. Even EPA agrees that to achieve this, companies need to play an active role in environmental protection. In a recent policy Statement, EPA pointed out that because Government resources are limited, maximum compliance cannot be achieved without active efforts by the regulated community to police themselves. The Environmental Protection Partnership Act will make companies active partners with EPA in assuring compliance with environmental laws.

I am very pleased to be working with the majority leader on this legislation and I hope Members on both sides of the aisle will join me in this effort to increase environmental protection.

By Mr. HARKIN (for himself, Mr. HUTCHINSON, Mr. REID, Mr. BRYAN and Mr. ROCKEFELLER):

S. 868. A bill to amend the Social Security Act to prohibit persons from charging for services or products that the Social Security Administration and Department of Health and Human Services provide without charge; to the Committee on Finance.

THE SOCIAL SECURITY CONSUMER PROTECTIONS ACT

Mr. HARKIN. Mr. President. Today, I am introducing, on behalf of myself,

Senators HUTCHINSON, REID, BRYAN, and ROCKEFELLER, the Social Security Consumer Protection Act. This is a simple, commonsense legislation that will arm consumers with the information they need to protect themselves from a growing type of consumer scam.

Several years ago Congress took an important step toward stamping out frauds against older Americans. We passed a law making it illegal for companies to prey upon senior citizens and others by misrepresenting an affiliation with Social Security or Medicare. After some delay, the Social Security inspector general has begun to enforce this important new consumer protection law. However, we are finding that many scam artists are squirming through a loophole in the law that allows them to charge unwitting consumers for services that are available free of charge from Social Security or Medicare.

A recent investigation by my staff found that unsuspecting consumers—from new parents to senior citizens—are falling prey to con artists charging them for services that are available free of charge from the Social Security Administration. Many of the schemes involve use of materials and names which mislead consumers into believing that the scam artists are affiliated with the Federal Government.

Companies operating under official sounding names like Federal Document Services, Federal Record Service Corp., National Records Service, and U.S. Document Services are mailing information to thousands of unsuspecting Americans, including many Iowans. These companies are scaring people into remitting a fee to receive basic Social Security benefits and eligibility information such as a new Social Security number and card for a baby and changing names upon marriage or divorce.

We began to look into this problem based on a number of complaints from Iowans who had received these deceptive mailings. One example was sent to me by Deb Conlee of Fort Dodge. She received a mailing from a company called Document Service. The official looking letter starts: "Read Carefully: Important Facts about your Social Security Card. The response envelope is stamped "SSA–7701" giving the impression that it is connected with the Social Security Administration. The solicitation goes on to say that she is required to provide Social Security with any name change associated with her recent marriage and get a new Social Security card. It then urges her to send them $14.75 to do this. It says, "We urge you to do this immediately to help avoid possible problems where your Social Security benefits or joint income taxes might be questioned."

Ms. Conlee paid $60 to this company and was furious when she learned that she could have gotten the same services free of charge from Social Security.

Last year I asked Social Security Commissioner Shirley Chater to investigate the complaints of Iowans and those of consumers like her. She responded that the services provided by Document Service "are completely unnecessary. Not only do they fail to produce any savings of time or effort for the customer, they also tend to delay issuance of the new Social Security card." While it is now illegal for a company to imply any direct connection with Social Security or Medicare in mailings, it is not illegal to charge for the very same services that are available at no cost from the government.

So while Congress has acted to try and stop scam artists from trying to fool people into thinking their business is somehow affiliated with Social Security, Medicare, or some other government agency, many are skirting around the edges of this law and are conning consumers into paying for services that they can get free of charge. Nowhere in any of the mailings from these outfits that I have reviewed is there any mention that the services they offer are in fact available to consumers at no cost from the government.

The Social Security Consumer Protection Act would require that any such solicitation prominently display the following consumer alert: "IMPORTANT PUBLIC DISCLOSURE: The product or service described here and assistance to obtain the product or service is available free of charge from the Social Security Administration or the Department of Health and Human Services." Armed with this information, consumers would be able to make informed decisions about where to obtain the service they need or want. Companies found to be in violation of this simple requirement would face fines.

Our legislation would not stop the provision of services by private companies. Rather, it would simply make sure that consumers are fully informed, so that they can make an informed choice about where and how they prefer to receive certain services.

These scams must be put to an end. A simple change in the law would go a long way toward stopping them. The bill we are introducing today would make such a change without imposing an undue burden on legitimate businesses or restricting consumer freedom of choice.

Mr. President, this legislation has been endorsed by the National Committee to Preserve Social Security and Medicare. The National Committee is an effective and aggressive advocate of the rights of older Americans. I am pleased to have their endorsement and ask unanimous consent to include a copy of their letter of support be printed in the RECORD.

I urge my colleagues to review this bill and to work with us to ensure its prompt approval.

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

NATIONAL COMMITTEE TO PRESERVE SOCIAL SECURITY AND MEDICARE,
Washington, DC, May 8, 1997.

Hon. TOM HARKIN,
U.S. Senate,
Washington, DC.

DEAR SENATOR HARKIN: On behalf of the 5.5 million members and supporters of the National Committee to Preserve Social Security and Medicare, I am pleased to offer our endorsement of your legislation, the Social Security Consumer Protection Act.

Your legislation would require that any business which solicits direct payment for services which the Social Security Administration provides free of charge must include a clear and prominent written disclaimer. Your bill would also impose new civil and criminal penalties for failure to comply with its provisions. A growing number of businesses have emerged across the country which, for a direct fee, assist individuals who seek to change their names, social security numbers, or obtain other information relative to their work record. Unfortunately, some of these enterprises do not adequately inform would be consumers that they are not affiliated with the federal government, or that such services are provided free of charge by the government. As a consequence, some individuals may be led to believe that they must pay the fee to obtain these services.

We appreciate your leadership on this important matter. People should not be coerced to pay twice for services which are already provided with their hard earned tax dollars.

Sincerely,

MARTHA A MCSTEEN, *President.*

By Mr. JEFFORDS (for himself, Mr. KENNEDY, Mr. LIEBERMAN, Mr. TORRICELLI, Mr. WYDEN, Mr. BINGAMAN, Mr. KERRY, Mr. WELLSTONE, Mr. HARKIN, Ms. LANDRIEU, Mr. FEINGOLD, Mrs. MURRAY, Mrs. BOXER, Mr. LEVIN, Mr. SARBANES, Mr. AKAKA, Mr. LAUTENBERG, Mr. DURBIN, Mr. CHAFEE, Mr. KOHL, Mr. INOUYE, Ms. MIKULSKI, Mr. ROBB, Mr. MOYNIHAN, Mrs. FEINSTEIN, Mr. DODD, Mr. REID, Mr. LEAHY, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mr. GLENN, Mr. KERREY, Mr. REED, Mr. D'AMATO, and Mr. CLELAND):

S. 869. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Labor and Human Resources.

THE EMPLOYMENT NON-DISCRIMINATION ACT OF 1997

Mr. JEFFORDS. Mr. President, I am pleased to be here today to introduce the Employment Non-Discrimination Act of 1997 [ENDA]. As many of you recall, my colleagues and I introduced similar legislation in the last Congress. While we were unable to pass ENDA in the last Congress, I was encouraged that ENDA was only narrowly defeated, by a vote of 50 to 49. It is my hope that in the 105th Congress, we can

bridge that narrow gap and pass this legislation. By extending to sexual orientation the same Federal employment discrimination protections established for race, religion, gender, national origin, age, and disability, this legislation will further ensure that principals of equality and opportunity apply to all Americans.

I believe that all Americans deserve to be judged at work based on their ability to do their jobs and not their sexual orientation. People who work hard and perform well should not be kept from leading productive and responsible lives because of an irrational, non-work-related prejudice. Unfortunately, many responsible and productive members of our society face discrimination in their workplaces based on nothing more than their sexual orientation. Because this insidious discrimination persists, there is a need for Congress to pass the Employment Non-Discrimination Act.

Mr. President, the Senate's vote last Congress is no doubt reflective of the American people's support of the concept behind ENDA. In a recent poll, 83 percent of the respondents support the passage of a law extending civil rights and preventing job discrimination against gays and lesbians. While ENDA will achieve this goal of equal rights for job opportunities, it does so by not creating any special rights for gays and lesbians. Specifically, this legislation prohibits preferential treatment based on sexual orientation. In addition, ENDA does not require an employer to justify a neutral practice that may have a statistically disparate impact based on sexual orientation, nor provide benefits for the same-sex partner of an employee. Rather, it simply protects a right that should belong to every American, the right to be free from discrimination at work because of personal characteristics unrelated to successful performance on the job.

Since ENDA's narrow defeat last September, we have taken a fresh look at this important legislation in an attempt to allay some of the concerns raised by ENDA's detractors in the last Congress. I am pleased to announce that we have made several significant improvements in the bill.

Our first change is intended to address the concern raised that employees' privacy rights would be violated if the Equal Employment Opportunity Commission [EEOC] required employers to provide the Government with data on the sexual orientation of their employees. As a result, the bill now prohibits the EEOC from collecting such statistics and from compelling employers to do so. Opponents of the previous legislation were also concerned that the EEOC would require employers who have violated ENDA to hire gay and lesbian employees as part of its enforcement scheme. To alleviate that possibility, the new legislation precludes the EEOC from entering into a consent decree that includes quotas, or gives preferential treatment based on sexual orientation. In addition, we have narrowed the language of the previous bill so that only actual paid employees are protected and we have attempted to ensure that exempted religious organizations from coverage.

In today's global economy, our Nation must take full advantage of every resource that is at our disposal if we want U.S. companies to maintain their competitive advantage over their international competitors. The fact that a majority of Fortune 500 companies have incorporated many of ENDA's policies, clearly indicates the acceptance of these changes within the workplace. In fact, it can be stated that without these American companies, on their own, undertaking these actions to insure adequate working protections for all of their employees they would be less competitive and may even be unable to maintain their existence within this fiercely competitive international environment.

Mr. President, some concern has been raised by my colleagues that passing ENDA will create a new wave of litigation. I am proud to say that my home State of Vermont is one of several States and localities that have enacted a sexual orientation anti-discrimination law, and it is no surprise, to me, that the sky has not fallen. Since the enactment of Vermont's law in 1991 the Vermont Attorney General has initiated only 17 investigations of alleged sexual orientation discrimination. Seven are pending at this time. Five have been closed with determinations that unlawful discrimination cannot be proven to have occurred. Four have been closed for miscellaneous administrative reasons, unrelated to the merits of the charge, and one resulted in a settlement. In addition, I am not aware of a single complaint from Vermont employers about the enforcement of the State law. However, I do know that thousands of Vermonters no longer need to live and work in the shadows. The facts bear out my belief that the effect experienced in Vermont on litigation has been experienced in other States and the District of Columbia that have implemented policies similar to the one of my home State of Vermont.

As I have stated before, success at work should be directly related to one's ability to do the job, period. The passage of ENDA would be a significant step toward ensuring the ability of all people, be they gay, lesbian, or heterosexual, to be fairly judged on their work product, not on an unrelated personal characteristic. I urge all my colleagues to join me in supporting this bill.

I ask unanimous consent that a copy of this bill be printed in the RECORD.

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

S. 869

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 "Employment Non-Discrimination Act of 1997".

SEC. 2. PURPOSES.

The purposes of this Act are—

(1) to provide a comprehensive Federal prohibition of employment discrimination on the basis of sexual orientation;

(2) to provide meaningful and effective remedies for employment discrimination on the basis of sexual orientation; and

(3) to invoke congressional powers, including the powers to enforce the 14th amendment to the Constitution and to regulate interstate commerce, in order to prohibit employment discrimination on the basis of sexual orientation.

SEC. 3. DEFINITIONS.

In this Act:

(1) COMMISSION.—The term "Commission" means the Equal Employment Opportunity Commission.

(2) COVERED ENTITY.—The term "covered entity" means an employer, employment agency, labor organization, joint labor-management committee, an entity to which section 717(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e–16(a)) applies, an employing authority to which section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) applies, or an employing office, as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301). The term "covered entity" includes an employing office, as defined in section 401 of title 3, United States Code.

(3) EMPLOYER.—The term "employer" means a person engaged in an industry affecting commerce (as defined in section 701(h) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(h))) who has 15 or more employees (as defined in section 701(f) of such Act (42 U.S.C. 2000e(f)) for each working day in each of 20 or more calendar weeks in the current or preceding calendar year, and any agent of such a person, but such term does not include a bona fide private membership club (other than a labor organization) that is exempt from taxation under section 501(c) of the Internal Revenue Code of 1986.

(4) EMPLOYMENT AGENCY.—The term "employment agency" has the meaning given the term in section 701(c) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(c)).

(5) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.—Except as provided in section 10(a)(1), the term "employment or an employment opportunity" includes job application procedures, hiring, advancement, discharge, compensation, job training, or any other term, condition, or privilege of employment, but does not include the service of a volunteer for which the volunteer receives no compensation.

(6) LABOR ORGANIZATION.—The term "labor organization" has the meaning given the term in section 701(d) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(d)).

(7) PERSON.—The term "person" has the meaning given the term in section 701(a) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(a)).

(8) RELIGIOUS ORGANIZATION.—The term "religious organization" means—

(A) a religious corporation, association, or society; or

(B) a school, college, university, or other educational institution or institution of learning, if—

(i) the institution is in whole or substantial part controlled, managed, owned, or supported by a religion, religious corporation, association, or society; or

(ii) the curriculum of the institution is directed toward the propagation of a religion.

(9) SEXUAL ORIENTATION.—The term "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether the orientation is real or perceived.

(10) STATE.—The term "State" has the meaning given the term in section 701(i) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(i)).

SEC. 4. DISCRIMINATION PROHIBITED.

A covered entity shall not, with respect to the employment or an employment opportunity of an individual—

(1) subject the individual to a different standard or different treatment, or otherwise discriminate against the individual, on the basis of sexual orientation; or

(2) discriminate against the individual based on the sexual orientation of a person with whom the individual is believed to associate or to have associated.

SEC. 5. RETALIATION AND COERCION PROHIBITED.

(a) RETALIATION.—A covered entity shall not discriminate against an individual because the individual opposed any act or practice prohibited by this Act or because the individual made a charge, assisted, testified, or participated in any manner in an investigation, proceeding, or hearing under this Act.

(b) COERCION.—A person shall not coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of the individual's having exercised, enjoyed, assisted in, or encouraged the exercise or enjoyment of, any right granted or protected by this Act.

SEC. 6. BENEFITS.

This Act does not apply to the provision of employee benefits to an individual for the benefit of the partner of the individual.

SEC. 7. NO DISPARATE IMPACT; COLLECTION OF STATISTICS.

(a) DISPARATE IMPACT.—The fact that an employment practice has a disparate impact, as the term "disparate impact" is used in section 703(k) of the Civil Rights Act of 1964 (42 U.S.C. 2000e-2(k)), on the basis of sexual orientation does not establish a prima facie violation of this Act.

(b) COLLECTION OF STATISTICS.—The Commission shall not collect statistics on sexual orientation from covered entities, or compel the collection of such statistics by covered entities.

SEC. 8. QUOTAS AND PREFERENTIAL TREATMENT PROHIBITED.

(a) QUOTAS.—A covered entity shall not adopt or implement a quota on the basis of sexual orientation.

(b) PREFERENTIAL TREATMENT.—A covered entity shall not give preferential treatment to an individual on the basis of sexual orientation.

(c) CONSENT DECREES.—The Commission may not enter into a consent decree that includes a quota, or preferential treatment to an individual, based on sexual orientation.

SEC. 9. RELIGIOUS EXEMPTION.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall not apply to a religious organization.

(b) UNRELATED BUSINESS TAXABLE INCOME.—This Act shall apply to employment or an employment opportunity for an employment position of a covered entity that is a religious organization, if the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

SEC. 10. NONAPPLICATION TO MEMBERS OF THE ARMED FORCES; VETERANS' PREFERENCES.

(a) ARMED FORCES.—

(1) EMPLOYMENT OR AN EMPLOYMENT OPPORTUNITY.—In this Act, the term "employment or an employment opportunity" does not apply to the relationship between the United States and members of the Armed Forces.

(2) ARMED FORCES.—In paragraph (1), the term "Armed Forces" means the Army, Navy, Air Force, Marine Corps, and Coast Guard.

(b) VETERANS' PREFERENCES.—This Act does not repeal or modify any Federal, State, territorial, or local law creating a special right or preference concerning employment or an employment opportunity for a veteran.

SEC. 11. CONSTRUCTION.

Nothing in this Act shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

SEC. 12. ENFORCEMENT.

(a) ENFORCEMENT POWERS.—With respect to the administration and enforcement of this Act in the case of a claim alleged by an individual for a violation of this Act—

(1) the Commission shall have the same powers as the Commission has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220);

in the case of a claim alleged by the individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(2) the Librarian of Congress shall have the same powers as the Librarian of Congress has to administer and enforce title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(3) the Board (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) shall have the same powers as the Board has to administer and enforce the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by the individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1));

(4) the Attorney General shall have the same powers as the Attorney General has to administer and enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.); or

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220);

in the case of a claim alleged by the individual for a violation of such title or of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1)), respectively;

(5) the President, the Commission, and the Merit Systems Protection Board shall have the same powers as the President, the Commission, and the Board, respectively, have to administer and enforce chapter 5 of title 3, United States Code, in the case of a claim alleged by the individual for a violation of section 411 of such title;

(6) a court of the United States shall have the same jurisdiction and powers as the court has to enforce—

(A) title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(B) sections 302 and 304 of the Government Employee Rights Act of 1991 (2 U.S.C. 1202 and 1220) in the case of a claim alleged by the individual for a violation of section 302(a)(1) of such Act (2 U.S.C. 1202(a)(1));

(C) the Congressional Accountability Act of 1995 (2 U.S.C. 1301 et seq.) in the case of a claim alleged by the individual for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)); and

(D) chapter 5 of title 3, United States Code, in the case of a claim alleged by the individual for a violation of section 411 of such title.

(b) PROCEDURES AND REMEDIES.—The procedures and remedies applicable to a claim alleged by an individual for a violation of this Act are—

(1) the procedures and remedies applicable for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) in the case of a claim alleged by the individual for a violation of such title;

(2) the procedures and remedies applicable for a violation of section 302(a)(1) of the Government Employee Rights Act of 1991 (2 U.S.C. 1202(a)(1)) in the case of a claim alleged by the individual for a violation of such section;

(3) the procedures and remedies applicable for a violation of section 201(a)(1) of the Congressional Accountability Act of 1995 (2 U.S.C. 1311(a)(1)) in the case of a claim alleged by the individual for a violation of such section; and

(4) the procedures and remedies applicable for a violation of section 411 of title 3, United States Code, in the case of a claim alleged by the individual for a violation of such section.

(c) OTHER APPLICABLE PROVISIONS.—With respect to a claim alleged by a covered employee (as defined in section 101 of the Congressional Accountability Act of 1995 (2 U.S.C. 1301)) for a violation of this Act, title III of the Congressional Accountability Act of 1995 (2 U.S.C. 1381 et seq.) shall apply in the same manner as such title applies with respect to a claim alleged by such a covered employee for a violation of section 201(a)(1) of such Act (2 U.S.C. 1311(a)(1)).

SEC. 13. STATE AND FEDERAL IMMUNITY.

(a) STATE IMMUNITY.—A State shall not be immune under the 11th amendment to the Constitution from an action in a Federal court of competent jurisdiction for a violation of this Act.

(b) REMEDIES AGAINST THE UNITED STATES AND THE STATES.—Notwithstanding any other provision of this Act, in an action or administrative proceeding against the United States or a State for a violation of this Act, remedies (including remedies at law and in equity, and interest) are available for the violation to the same extent as the remedies are available for a violation of title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.) by a private entity, except that—

(1) punitive damages are not available; and

(2) compensatory damages are available to the extent specified in section 1977A(b) of the Revised Statutes (42 U.S.C. 1981a(b)).

SEC. 14. ATTORNEYS' FEES.

Notwithstanding any other provision of this Act, in an action or administrative proceeding for a violation of this Act, an entity described in section 12(a) (other than paragraph (4) of such section), in the discretion of

the entity, may allow the prevailing party, other than the United States, a reasonable attorney's fee (including expert fees) as part of the costs.The United States shall be liable for the costs to the same extent as a private person.

SEC. 15. POSTING NOTICES.

A covered entity shall post notices for employees, applicants for employment, and members, to whom the provisions specified in section 12(b) apply, that describe the applicable provisions of this Act in the manner prescribed by, and subject to the penalty provided under, section 711 of the Civil Rights Act of 1964 (42 U.S.C. 2000e–10).

SEC. 16. REGULATIONS.

(a) IN GENERAL.—Except as provided in subsections (b), (c), and (d), the Commission shall have authority to issue regulations to carry out this Act.

(b) LIBRARIAN OF CONGRESS.—The Librarian of Congress shall have authority to issue regulations to carry out this Act with respect to employees of the Library of Congress.

(c) BOARD.—The Board referred to in section 12(a)(3) shall have authority to issue regulations to carry out this Act, in accordance with section 304 of the Congressional Accountability Act of 1995 (2 U.S.C. 1384), with respect to covered employees, as defined in section 101 of such Act (2 U.S.C. 1301).

(d) PRESIDENT.—The President shall have authority to issue regulations to carry out this Act with respect to covered employees, as defined in section 401 of title 3, United States Code.

SEC. 17. RELATIONSHIP TO OTHER LAWS.

This Act shall not invalidate or limit the rights, remedies, or procedures available to an individual claiming discrimination prohibited under any other Federal law or any law of a State or political subdivision of a State.

SEC. 18. SEVERABILITY.

If any provision of this Act, or the application of the provision to any person or circumstance, is held to be invalid, the remainder of this Act and the application of the provision to any other person or circumstance shall not be affected by the invalidity.

SEC. 19. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect 60 days after the date of enactment of this Act and shall not apply to conduct occurring before the effective date.

(b) PRESIDENTIAL OFFICES.—The second sentence of section 3(2), and sections 12(a)(5), 12(a)(6)(D), 12(b)(4), and 16(d), shall take effect on, and shall not apply to conduct occurring before, the later of—

(1) October 1, 1997; and

(2) the effective date described in subsection (a).

Mr. LIEBERMAN. Mr. President, I am delighted to join with Senators JEFFORDS, KENNEDY, and over 30 of our colleagues as an original cosponsor of this important legislation, the Employment Non-Discrimination Act of 1997. By guaranteeing that American workers cannot lose their jobs simply because of their actual or perceived sexual orientation, this bill would extend the bedrock American values of fairness and equality to a group of our citizens who too often have been denied the benefit of those most basic values.

Our Nation's foundational document, the Declaration of Independence, expressed a vision of our country as one premised upon the essential equality of all people and upon the recognition that our Creator endowed all of us with the inalienable rights to life, liberty, and the pursuit of happiness. Two hundred and twenty years ago, when that document was drafted, our laws fell far short of implementing the declaration's ideal. But since that time, we have come ever closer, extending by law to more and more of our citizens—to African-Americans, to women, to disabled Americans, to religious minorities, and to others—a legally enforceable guarantee that, with respect to their ability to earn a living at least, they will be treated on their merits and not on characteristics unrelated to their ability to do their jobs.

It is time to extend that guarantee to gay men and lesbians, who too often have been subject to incidents of discrimination and denied the most basic of rights: the right to obtain and maintain a job. A collection of nearly two dozen studies shows that as many as 46 percent of gay and lesbian workers have experienced significant discrimination in the workplace. The fear in which these workers live was clear from a survey of 1,400 gay men and lesbians in Philadelphia. Seventy-six percent of the men and 81 percent of the women told those conducting the survey that they hide their orientation at work out of concern for their job security. This result, although unfortunate, is not surprising in light of a University of Maryland study that found gay men's income to be 11 to 27 percent lower than that of heterosexual men, thanks to the effects of discrimination.

The toll this discrimination takes extends far beyond its effect on those individuals who must live in fear and without full employment opportunities. It also takes an unacceptable toll on America's definition of itself as a land of equality and opportunity, as a place where we judge each other on our merits, and as a country that teaches its children that anyone can succeed here as long as they are willing to do their job and work hard.

This bill provides for equality and fairness—that and no more. It says only what we already have said for women, for people of color, and for others: that you are entitled to have your ability to earn a living depend only on your ability to do the job and nothing else. In fact, the bill would even do somewhat less than it does for women and people of color, because it would not give gay men and women all of the protections we currently provide to other groups protected under our civil rights laws.

Mr. President, this bill would bring our Nation one large step closer to realizing the vision that Thomas Jefferson so eloquently expressed 220 years ago when he wrote that all of us have a right to life, liberty, and the pursuit of happiness. I urge my colleagues to join me in supporting this important legislation.

By Mr. WELLSTONE:

S. 870. A bill to amend the Federal Food, Drug, and Cosmetic Act to facilitate the development, approval, and use of medical devices to maintain and improve the public health and quality of life of individuals, and for other purposes; to the Committee on Labor and Human Resources.

THE MEDICAL TECHNOLOGY, PUBLIC HEALTH, AND INNOVATION ACT OF 1997

Mr. WELLSTONE. Mr. President, the legislation that I am introducing today, the Medical Technology, Public Health and Innovation Act of 1997, takes a significant step toward improving the effectiveness, timeliness, and predictability of the FDA review process for medical devices.

It is important that we improve the system for device approval in order to provide access to optimal technology to American consumers. We need to do this in order to promote the public health. We must also maintain protections for consumers, which are provided by the FDA's oversight of device manufacturing, development, and marketing. This legislation maintains those protections, while allowing for new efficiencies within the FDA.

Over the past 2 years, I have met with numerous representatives of Minnesota's medical device industry, patient advocates, clinicians, and officials from the FDA, and have concluded that there are indeed steps that Congress should take to make the regulatory process for medical devices more efficient. Minnesotans want the FDA not only to protect public health, but also to promote public health. They want to know not only that new technologies will be safe, but that they will be available to them in a timely manner. Many of Minnesota's medical device manufacturers, researchers, clinicians, and patients in need of new and improved health care technology have become increasingly concerned about the regulatory environment at the FDA. While there have been some improvements in the device review process, there is still a need to increase communication between the FDA and industry; to decrease review times; and to have consistency in the review process.

These needs are highlighted by the following example. A plant operated by a Minnesota-based device company was developing a new treatment for aortic aneurysms, which would require less invasive measures than are currently used. The company developed a protocol for testing its product, submitted the protocol to the FDA and was told by the reviewer that the protocol was invalid. The reviewer suggested a different protocol and the company followed it. Upon completion of the clinical trial, the company submitted the

required data to the FDA. The original reviewer was on an extended leave of absence, so the data went to a different reviewer. The new reviewer deemed the protocol that was used to be invalid, and requested a new clinical trial, which basically followed the protocol that had been rejected by the first reviewer. The company was forced to do a new trial, which resulted in significant delays in getting this important product to market for patient use. I am certain that this is but one of many examples of inconsistently applied processes that delay the release of life-saving technology to the consumer.

The technologies that the FDA regulates are changing rapidly. We cannot afford a regulatory system that is ill-equipped to speed these advances. As a result, both Congress and the Administration are reexamining the paradigms that have governed the FDA. Our challenge will be to define FDA's mission and scope of responsibility, as well as to give guidance on an appropriate balance between the risks and rewards of streamlining all aspects of how FDA does its job—including the approval process for breakthrough products.

The legislation that I am introducing would begin to address these issues in three important ways:

First, it would enable the FDA to adopt nationally and internationally recognized performance standards to improve the transparency and effectiveness of the device review process. Resource constraints and the time-consuming rulemaking process have precluded FDA promulgation of performance standards in the past. This legislation would allow the FDA, when appropriate, to simply adopt consensus standards that are already being used by most of the world and use those standards to assist in determining the safety and effectiveness of class III medical devices. The FDA could require additional data from a manufacturer relevant to an aspect of a device covered by an adopted performance standard if necessary to protect patient safety. Currently, the lack of clear performance standards for class III medical devices is a barrier to the improvement of the quality and timeliness of the premarket approval process.

Second, it would improve communication between the industry and the FDA and the predictability of the review process. I believe that these two factors are extremely important. The bill includes provisions for meetings between the applicant and the FDA to ensure that applicants are promptly informed of any deficiencies in their application, that questions that can be answered easily would be addressed right away, and that applicants would be well informed about the status of their application. I believe that improving communication between the FDA and industry would result in greater compliance with regulations and that this will ultimately benefit consumers and patients.

Third, the legislation would help the FDA focus its resources more appropriately. PMA supplements or 510(k)'s that relate only to changes that can be shown to not adversely affect the safety or effectiveness of the device would not require premarket approval or notification. Manufacturers would instead make information and data supporting the change part of the master record at the FDA. In addition the FDA would be able to exempt from premarket notification requirements those class II devices for which such requirements are unnecessary to ensure the public health without first having to go through the time consuming and bureaucratic process of reclassifying them to class I. The FDA would also have the option of relying on postmarket controls classifying devices. Enabling the FDA to focus its attention where the real risks are will not only streamline the approval process but also benefit consumers.

I look forward to working with Senator JEFFORDS, the chairman of the Labor and Human Resources Committee, and my other colleagues on the Committee on the concepts included in my proposal. I will work vigorously to ensure that they are included in FDA legislation considered by the Senate this year. I look forward to continuing to work on these issues with Minnesotans. Clearly, there are actions that Congress can take to improve the FDA without sacrificing the assurance of safety that all Americans depend on.

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. 870

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

SECTION 1. SHORT TITLE AND REFERENCE.

(a) SHORT TITLE.—This Act may be cited as the "Medical Technology, Public Health, and Innovation Act of 1997".

(b) REFERENCE.—Whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or a repeal of, a section or other provision, the reference shall be considered to be made to a section or other provisions of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321 et seq.)

SEC. 2. FINDINGS; MISSIONS STATEMENT.

(a) FINDINGS.—The Congress finds the following:

(1) While the United States appropriately puts a top priority on the regulation of medical technologies to ensure the safety and efficacy of medical technologies that are introduced into the marketplace, the administration of such regulatory effort is causing the United States to lose its leadership role in producing innovative, top-quality medical devices.

(2) One of the key components of the medical device regulatory process that contributes to the United States losing its leadership role in medical device development is the inordinate amount of time it takes for medical technologies to be reviewed by the Food and Drug Administration.

(3) The most important result of the United States losing its leadership role is that patients in the United States do not have access to new medical technology in a timely manner.

(4) Delayed patient access to new medical technology results in lost opportunities to save lives, to reduce hospitalization and recovery time, and to improve the quality of life of patients.

(5) The economic benefits of the United States medical device industry, which is composed principally of smaller companies, has provided through growth in jobs and global trade are threatened by the slow and unpredictable regulatory process at the Food and Drug Administration.

(6) The pace and predictability of the medical device regulatory process are in part responsible for the increasing tendency of United States medical device companies to shift research, product development, and manufacturing offshore, at the expense of American jobs, patients, and leading edge clinical research.

(b) MISSION STATEMENT.—This legislation seeks to improve the timeliness, effectiveness, and predictability of the medical device approval process for the benefit of United States patients and the United States economy by—

(1) providing for the use of nationally and internationally recognized performance standards to assist the Food and Drug Administration in determining the safety and effectiveness of medical devices;

(2) facilitating communication between medical device companies and the Food and Drug Administration;

(3) targeting the use of Food and Drug Administration resources on medical devices that are likely to have serious adverse health consequences; and

(4) requiring the Food and Drug Administration to determine the least costly, most efficient approach to reasonably assuring the safety and effectiveness of devices.

SEC. 3. DEVICE PERFORMANCE STANDARDS.

(A) ALTERNATIVE PROCEDURE.—Section 514 (21 U.S.C. 360d) is amended by adding at the end the following:

"RECOGNITION OF A PERFORMANCE STANDARD

"(c)(1)(A) The Secretary, through publication in the Federal Register, issue notices identifying and listing nationally and internationally recognized performance standards for which persons may provide a certification of a device's conformity under paragraph (3) in order to meet the premarket submission requirements or other requirements under the Act to which the standards are applicable.

"(B) Any person may elect to utilize data other than data required by the standards described in subparagraph (A) to meet any requirement under the Act to which the standards are applicable.

"(2) The Secretary may remove from the list of standards described in paragraph (1) a standard that the Secretary determines is no longer appropriate for making determinations with respect to the regulation of devices.

"(3)(A) A person may provide a certification that a device conforms to an applicable standard listed under paragraph (1) to meet the requirements described in paragraph (1) and the Secretary shall accept such certification.

"(B) The Secretary may, at any time, request a person who submits a certification

described in subparagraph (A) to submit the data or information that the person relied on in making the certification.

"(C) A person who submits a certification described in subparagraph (A) shall maintain the data and information upon which the certification was made for a period of 2 years after the submission of the certification or a time equal to the expected design life of a device, whichever is longer.".

(b) SECTION 301.—Section 301 (21 U.S.C. 331) is amended by adding at the end the following:

"(x) The falsification of a certification submitted under section 514(c)(3) or the failure or refusal to provide data or information requested by the Secretary under such section.".

(c) SECTION 501.—Section 501(e) (21 U.S.C. 351(e)) is amended by striking "established" and inserting "established or listed".

SEC. 4. PREMARKET APPROVAL.

(a) APPLICATION.—Section 515(c) (21 U.S.C. 360e(c)) is amended—

(1) in paragraph (1)—

(B) in subparagraph (F), by striking "; and" and inserting a semicolon;

(C) in subparagraph (G), by striking "require." and inserting "require; and"; and

(D) by adding at the end the following:

"(H) an identifying reference to any performance standard listed under section 514(c) that is applicable to such device.

(2) by adding at the end the following:

"(3) The Secretary shall accept historical clinical data as a control for use in determining whether there is a reasonable assurance of safety and effectiveness of a device in a case in which the effects of the progression of a disease are clearly defined and well understood.

"(4) The Secretary may not require the sponsor of an application to conduct clinical trials for a device using randomized controls unless the controls—

"(A) are necessary;

"(B) are scientifically and ethically feasible; and

"(C) other less burdensome controls, such as historical controls, are not available to permit a determination of a reasonable assurance of safety and effectiveness.".

(b) ACTION ON APPLICATION.—Section 515(d) (21 U.S.C. 30e(d)) is amended—

(1) in paragraph (1)(A)—

(A) by striking "paragraph (2) of this subsection" each place it appears and inserting "paragraph (8)"; and

(B) by adding at the end the following flush paragraph:

"In making a determination to approve or deny an application, the Secretary shall rely on the conditions of use proposed in the labeling of device as the basis for determining whether or not there is a reasonable assurance of safety and effectiveness. If, based on a fair evaluation of all material facts, the proposed labeling of the device is neither false nor misleading in any particular, the Secretary shall not consider conditions of use not included in such labeling in making the determination.";

(3) by redesignating paragraphs (2) and (3) as paragraphs (8) and (9), respectively; and

(3) by inserting after paragraph (1) the following:

"(2) Each application received under subsection (c) shall be reviewed in a manner to achieve final action within the 180-day period described in subparagraph (A), and the 180-day period may not be altered for any reason without the written consent of an applicant.

"(3)(A) Not later than 100 days after the receipt of an application that has been filed by the Secretary because the application satisfies the content requirements of subsection (c)(1), the Secretary shall meet with the applicant and disclose each deficiency relating to the application that would preclude approval of the application under paragraph (1).

"(B) The applicant shall have the right to be informed in writing with respect to the information communicated to the applicant during the meeting.

"(4) To permit better treatment or better diagnoses of life-threatening or irreversibly debilitating diseases or conditions, the Secretary shall expedite the review for devices—

"(A) representing breakthrough technologies;

"(B) offering significant advantages over existing approved alternatives; or

"(C) for which accelerated availability is in the best interest of the public health.

"(5) The Secretary shall complete the review of all supplemental applicants to an application approved under paragraph (1) that do not contain clinical data within 90 days after the receipt of a supplement that has been accepted for filing.

"(6)(A) A supplemental application shall be required for any change to a device subject to an approved application under this subsection if the change affects safety or effectiveness, unless the change is a modification in a manufacturing procedure or method of manufacturing and the holder of an approved application submits a notice to the Secretary that describes the change and informs the Secretary that the change has been made under the requirements of section 520(f).

"(B)(i) In reviewing a supplement to an approved application for an incremental change to the design of a device that affects safety or effectiveness, the Secretary shall approve the supplement if—

"(I) nonclinical data demonstrate that a design modification creates the intended additional capacity, function, or performance of the device; and

"(II) clinical data from the approved application and any supplements to the approved application provide a reasonable assurance of safety and effectiveness.

"(ii) The Secretary may require, when necessary, additional clinical data to evaluate the design modification to provide a reasonable assurance of safety and effectiveness.

"(7) Any representation in promotional materials for a device subject to an approved application under this subsection shall not be subject to premarket approval under this section, unless such representations establish new conditions of use. Any representations made in promotional materials for devices subject to an approved application shall be supported by appropriate data or information that can substantiate the representations at the time such representations are made.".

(c) WITHDRAWAL OR TEMPORARY SUSPENSION OF APPROVAL OF APPLICATION.—Section 515(e)(1) (21 U.S.C. 360e(1)) is amended in subparagraph (G) by inserting after the word "effect" the words "or listed."

SEC. 5. PREMARKET NOTIFICATION.

(a) EXEMPTION OF CERTAIN DEVICES.—Section 510 (21 U.S.C. 360) is amended—

(1) in subsection (k), by striking "intended for human use" and inserting "intended for human use (except a device that is classified into class I under section 513 or 520 or a device that is classified into class II under section 513 or 520, and is exempt from the requirements of this subsection under subsection (l))";

(2) by adding at the end of subsection (k) (as amended by paragraph (1)) the following flush sentence:

"The Secretary shall review the notification required by this subsection and make a determination under section 513(f)(1)(A) within 90 days after receiving the notification."; and

(3) by adding at the end of the following:

"(l)(A) Within 30 days after the date of enactment of this subsection, the Secretary shall develop and publish in the Federal Register a list of each type of class II device that does not require a report under subsection (k) to provide reasonable assurance of safety and effectiveness. Each type of class II device identified by the Secretary not to require the report shall be exempt from the requirement to file a report under subsection (k) as of the date of the publication of the list in the Federal Register.

"(B) Beginning on the date that is 1 day after the date of the publication of a list under this subsection, any person may petition the Secretary to exempt a type of class II device from the requirement of subsection (k). The Secretary shall respond to the petition within 120 days after the receipt of the petition and determine whether or not to grant the petition in whole or in part.".

(b) SPECIAL RULE RELATING TO EXEMPTION OF CLASS I DEVICES FROM 510K NOTIFICATIONS.—The exemption of a class I device from the notification requirement of section 510(k) shall not apply to a class I device that is life sustaining or life saving or that is intended to be implanted into the human body.

SEC. 6. INVESTIGATIONAL DEVICE EXEMPTION.

(a) REGULATIONS.—Section 520(g) (21 U.S.C. 360j(g)) is amended—

(1) by redesignating paragraphs (4) and (5) as paragraphs (5) and (6), respectively; and

(2) by inserting after paragraph (3) the following:

"(4) The Secretary shall, within 120 days after the date of enactment of this paragraph, by regulation, amending the content of part 812 of title 21 of the Code of Federal Regulations, amend the procedures with respect to the approval of clinical studies under this subsection as follows:

"(A) The Secretary shall permit the sponsor of an investigation to meet with the Secretary prior to the submission of an application to develop a protocol for a clinical study subject to the regulation and require that the protocol be agreed upon in writing by the sponsor and the Secretary.

"(B)(i) The Secretary shall permit developmental changes to devices in response to information gathered during the course of an investigation without requiring an additional approval of an application for an investigational device exemption, or the approval of a supplement to the application, if the changes meet the following requirements:

"(I) The changes do not constitute a significant change in the design of the product or a significant change in basic principles of operation.

"(II) The changes do not adversely affect patient safety.

"(ii) The Secretary shall require that each such change shall be documented with information describing the change and the basis of the sponsor of application for concluding that the change does not constitute a significant change in design or operating principles, and that the change does not adversely affect patient safety.

"(b) CONFORMING AMENDMENTS.—Section 517(a)(7) (21 U.S.C. 360g(a)(7)) is amended—

(1) by striking "section 520(g)(4)" and inserting "section 520(g)(5)"; and

(2) by striking "section 520(g)(5)" and inserting "section 520(g)(6)".

SEC. 7. PRODUCT REVIEW.

Section 513 (21 U.S.C. 360c) is amended by—

(1) in subsection (a)(3)(A)—

(A) by striking "including clinical investigations where appropriate" and inserting "including 1 or more clinical investigations where appropriate";

(B) by adding at the end the following: "When evaluating the type and amount of data necessary to find a reasonable assurance of device effectiveness for an approval under section 515, the Secretary shall consider the extent to which reliance on postmarket controls may contribute to such assurance and expedite effectiveness determinations without increasing regulatory burdens on persons who submit applications under section 515(c).";

(2) in subsection (a)(3), by adding at the end the following:

"(C)(i) The Secretary upon the request of any person intending to submit an application under section 515 shall meet with the person to determine the type of valid scientific evidence within the meaning of subparagraphs (A) and (B) that will be necessary to demonstrate the effectiveness of a device for the conditions of use proposed by such person to support an approval of an application.

"(ii) Within 30 days after such meeting, the Secretary shall specify in writing the type of valid scientific evidence that will provide a reasonable assurance that a device is effective under the conditions of use proposed by the person.

"(iii) Any clinical data, including 1 or more well-controlled investigations, specified by the Secretary for demonstrating a reasonable assurance of device effectiveness shall reflect the Secretary's determination that such data are necessary to establish device effectiveness and that no other less burdensome means of evaluating device effectiveness are available which would have a reasonable likelihood of resulting in an approval.

"(2) The determination of the Secretary with respect to the specification of the valid scientific evidence under clause (ii) shall be binding upon the Secretary, unless such determination by the Secretary would be contrary to the public health"; and

(3) in subsection (i), by adding at the end the following:

"(C) to facilitate reviews of reports submitted to the Secretary under section 510(k), the Secretary shall consider the extent to which reliance on postmarket controls may expedite the classification of devices under subsection (f)(1).

"(D) Whenever the Secretary requests information to demonstrate that devices with differing technological characteristics are substantially equivalent, the Secretary shall only request information that is necessary to making substantial equivalence determinations. In making such requests, the Secretary shall consider the least burdensome means of demonstrating substantial equivalence and request information accordingly.

"(E) Any determinations of substantial equivalence by the Secretary shall be based upon the intended uses proposed in labeling submitted in a report under section 510(k).

"(F) Any representations made in promotional materials for devices shall not require a report under section 510(k), unless such representations establish new intended uses for a legally marketed device.".

By Mr. NICKLES (for himself, and Mr. INHOFE):

S. 871. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System; to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Energy and Natural Resources.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

Mr. NICKLES. Mr. President, I rise today to introduce legislation with Senator INHOFE to establish the Oklahoma City National Memorial and create the Oklahoma City Memorial Trust. The memorial will commemorate the national tragedy ingrained in all of our minds that occurred in downtown Oklahoma City at 9:02 a.m. on April 19, 1995, in which 168 Americans lost their lives and countless thousands more lost family members and friends.

The Oklahoma City National Memorial, to be established as a unit of the National Park Service, will serve as a monument to those whose lives were taken and others will bear the physical and mental scars for the rest of their days. It will stand as a testament to the hope, generosity, and courage shown by Oklahomans and fellow Americans across the country following the Oklahoma City bombing. This will be a place of remembrance, peace, spirituality, comfort, and learning. The memorial complex will include a special place for children, 19 of whom were killed in the blast, to assure them that the world holds far more good than bad.

The memorial site will encompass the footprint of the Alfred P. Murrah Federal Building, Fifth Street between Robinson and Harvey, the site of the Water Resources Building, and the Journal Record Building. Both Park Service and non-Park Service personnel will staff the memorial grounds and interpretive center on the site. The Memorial Trust, comprised of nine unpaid trustees, will administer the operation, maintenance, management, and interpretation of the memorial.

While the thousands of family members and friends of those killed in the bombing will forever bear scars of having their loved ones taken away, the Oklahoma City National Memorial will revere the memory of those lost and venerate the bonds that drew us all closer together as a result.

I welcome all Members to cosponsor this important piece of legislation.

By Mr. ASHCROFT:

S. 873. A bill to amend the prohibition of title 18, United States Code, against financial transactions with state sponsors of international terrorism; to the Committee on the Judiciary.

THE PROHIBITION ON FINANCIAL TRANSACTIONS WITH COUNTRIES SUPPORTING TERRORISM ACT OF 1997

Mr. ASHCROFT. Mr. President, I would like to introduce The Prohibition on Financial Transactions with Countries Supporting Terrorism Act of 1997. This legislation will further isolate state sponsors of international terrorism from the community of responsible nations. By prohibiting financial transactions between U.S. persons and such criminal regimes, this bill will also reduce the financial resources available to terrorist states.

Unfortunately, this is the second time the Senate has had to consider legislation to prohibit financial transactions with state sponsors of terrorism. The Anti-terrorism and Effective Death Penalty Act, passed by Congress and signed into law by the President on April 24, 1996, contained a similar provision—section 321—which prohibited financial transactions with state sponsors of terrorism. Unfortunately, the manner in which the State Department implemented section 321 effectively exempted at least two terrorist States, Sudan and Syria, from the ban on financial transactions with United States citizens.

The Clinton administration seemingly misinterpreted the clear language of section 321 which states that:

> . . . whoever, being a United States person, knowing or having reasonable cause to know that a country is designated . . . as a country supporting international terrorism, engages in a financial transaction with the government of that country, shall be fined under this title, imprisoned for not more than 10 years, or both.

Somehow, our Government read such plain language to permit—not prohibit—almost all financial transactions with terrorist states. The only transactions the lawyers down at Foggy Bottom saw fit to prohibit were financial transactions which might further terrorism within the United States. The bureaucrats at the State Department evidently feel that transactions which further terrorism against citizens of foreign countries or Americans abroad—such as Pan Am flight 103—should not be targeted by this law.

Mr. President, the Congress of the United States has worked extensively in a bipartisan manner to provide the legislative tools needed to defend America and our allies against the rising threat of international terrorism, and I am sorry that the Senate must now revisit this antiterrorism legislation to correct the misguided efforts of this administration to confront and isolate terrorist-supporting nations in an effective manner.

We no longer live in a cold war world where the threats to our national security are easily identifiable. The fluid and complex international environment we face today demands the highest national security vigilance, the kind of vigilance that appears to be lacking in the Clinton administration. The administration's abysmal performance in enforcing United States laws against the proliferation of weapons of

mass destruction by China is now mirrored by the administration's evisceration of Congress' antiterrorism sanctions. This administration finds no inconsistency between President Clinton's claim in an August 1996 speech at George Washington University that America "cannot do business with * * * terrorists who kill * * * innocent civilians," and the State Department issuing regulations for the Anti-terrorism Act that same month that permit most business transactions with terrorist states to continue.

Mr. President, terrorism is no longer a far away phenomenon that American only risk when traveling abroad. Terrorist violence that primarily targeted U.S. citizens overseas is now finding its way to American shores, and the most stringent U.S. antiterrorism policy will be essential to protect our citizens. State sponsors of terrorism possess a hatred of global dimensions, and America is one of their primary targets. Our policies must reflect this understanding.

Mr. President, in the Africa Subcommittee, I have followed closely the global efforts of one particular country on the list of terrorist nations. Since democracy was overthrown by a radical Islamic military coup in 1989, Sudan has quickly joined Iran as the worst of the world's state sponsors of terrorism. Sudan's Government harbors elements of the most violent terrorist organizations in the world: Jihad, the Armed Islamic Group, Hamas, Abu Nidal, Palestinian Islamic Jihad, Hezbollah, and the Islamic Group all run terrorist training camps in Sudan.

Those groups are responsible for hundreds of terrorist attacks around the world that have killed thousands of innocent people. Abu Nidal alone has been responsible for 90 terrorist attacks in 20 countries which have killed or injured almost 900 people. Jihad is responsible for the assassination of Egyptian President Anwar Sadat and Jihad's leader, Sheikh Omar abdel Rahman, is the ideological ringleader of the terrorists that attacked the World Trade Center and plotted to bomb the United Nations in New York. Another terrorist organization, the Islamic Group, regularly targets westerners in Egypt for attack and claims responsibility for the failed assassination attempt on Egyptian President Hosni Mubarak during his visit to Ethiopia in 1995. In addition to harboring such terrorist organizations, Sudan has also given refuge to some of the most notorious individual terrorists in the world, including Imad Moughniyeh who is believed to be responsible for the 1983 bombing of the United States Marine barracks in Beirut which killed 241 American soldiers.

Sudan is not simply a favorite training camp for terrorists, Mr. President. The Sudanese Government actively supports this terrorist activity. For instance, Sudan reportedly provided the weapons and travel documentation for the assassins who attacked President Mubarak during his Ethiopia visit. Two Sudanese diplomats at the United Nations in New York conspired to help Jihad terrorists gain access to the U.N. complex in order to bomb the building.

The conspiracy to bomb the United Nations was just one in a series of terrorist plots to bomb numerous locations around New York, including the Lincoln and Holland Tunnels, the George Washington Bridge, and various U.S. military installations. Five of the twelve defendants convicted in this series of terrorist plots were Sudanese nationals. Thankfully, law enforcement authorities thwarted most of these tragedies before they occurred, but the earlier terrorist attack against the World Trade Center was carried out by the same broader terrorism network in New York and killed six people. Those who bombed the World Trade Center only expressed regret that the twin towers were not toppled as they had planned, a catastrophe that in an instant could have resulted in more American casualties than the entire Vietnam war.

Sudan's involvement in the conspiracy to wage an urban war of terrorism in New York makes it patently clear why our Government has justifiably designated some nations as state sponsors of terrorism and has imposed upon them the most severe penalties and sanctions provided by United States law. I am grateful that America has been relatively isolated from most of the world's terrorist violence, but just as terrorists have targeted Americans abroad in the past, they are now targeting Americans here at home. International terrorism is one of the great threats to our national security, but unfortunately yet another example of a national security threat this administration is failing to forcefully address. By cutting off the flow of financial resources to these rogue regimes, it will become more difficult for them to seed the globe with their acts of violent cowardice.

Mr. President, the legislation I am introducing today will effectively prohibit financial transactions with state sponsors of terrorism—regardless of whether the terrorist attack occurs within the United States or abroad. This prohibition is one step in the fight against international terrorism the administration is evidently unwilling to take.

An analysis of Sudan's involvement in international terrorism gives us an idea of the global designs of terrorist states. Business as usual should not proceed with such regimes, and President Clinton should not have to be coaxed into aggressively enforcing U.S. antiterrorism law to isolate these countries. This legislation will diminish the financial resources available to terrorist states for their campaign of violence and hatred, and I urge the Senate's prompt consideration and passage of this bill.

By Mr. FAIRCLOTH (for himself and Mr. SHELBY):

S. 874. A bill to amend title 31, United States Code, to provide for an exemption to the requirement that all Federal payments be made by electronic funds transfer; to the Committee on Finance.

ELECTRONIC BENEFITS TRANSFER LEGISLATION

Mr. FAIRCLOTH. Mr. President, I am pleased to introduce legislation today that would modify the mandatory EBT legislation that was passed in 1996.

Mr. President, in 1996, the Congress amended the Federal Financial Management Act of 1994—as part of the Omnibus Appropriations Act of 1996, Public Law 104–134—to require that all Federal payments after January 1, 1999, be made by electronic funds transfer.

The legislation I am introducing today would provide an exemption from that requirement for Social Security and veterans benefits, except that a recipient may send written notification to the agency head authorizing that such payments be made electronically. Thus, the legislation makes it optional for the vast majority of Federal beneficiaries, particularly retirees.

This would affect nearly 20 million Social Security recipients who still receive their check through the mail. Also, nearly 40 percent of veterans benefits are still by mail.

Mr. President, I have found that many retirees are unaware of this requirement, and do not desire to have their checks electronically deposited.

Mr. President, these are not welfare checks. The Government should not force retirees to accept this mandate.

In fact, AARP testified before the House Government Reform and Oversight Committee last year, stating that "AARP believes that direct deposit of federal payments should remain optional for current payment recipients." Further, AARP has found that Social Security recipients receiving checks by mail were clustered in a handful of States, including my home State of North Carolina.

Mr. President, many people worked all of their lives for these benefits. They have the right to receive them. Many people served their country for these benefits. The very notion that they will be told where their benefits are being sent is abhorrent. Further, it has even been suggested that benefits could be withheld if persons do not choose a bank to receive a check.

Mr. President, this is wrong. I am not opposed to direct deposit, but I am opposed to it being forced on people. I would urge the Senate to act soon on this legislation.

ADDITIONAL COSPONSORS

S. 121

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM], the Senator from Texas [Mr. GRAMM], and the Senator from Utah [Mr. HATCH] were added as cosponsors of S. 121, a bill to amend the Internal Revenue Code of 1986 to provide for 501(c)(3) bonds a tax treatment similar to governmental bonds, and for other purposes.

S. 127

At the request of Mr. MOYNIHAN, the names of the Senator from Florida [Mr. GRAHAM] and the Senator from Texas [Mr. GRAMM] were added as cosponsors of S. 127, a bill to amend the Internal Revenue Code of 1986 to make permanent the exclusion for employer-provided educational assistance programs, and for other purposes.

S. 278

At the request of Mr. GRAMM, the name of the Senator from Oklahoma [Mr. INHOFE] was added as a cosponsor of S. 278, a bill to guarantee the right of all active duty military personnel, merchant mariners, and their dependents to vote in Federal, State, and local elections.

S. 356

At the request of Mr. GRAHAM, the name of the Senator from California [Mrs. FEINSTEIN] was added as a cosponsor of S. 356, a bill to amend the Internal Revenue Code of 1986, the Public Health Service Act, the Employee Retirement Income Security Act of 1974, the title XVIII and XIX of the Social Security Act to assure access to emergency medical services under group health plans, health insurance coverage, and the medicare and medicaid programs.

S. 387

At the request of Mr. HATCH, the name of the Senator from Texas [Mrs. HUTCHISON] was added as a cosponsor of S. 387, a bill to amend the Internal Revenue Code of 1986 to provide equity to exports of software.

S. 389

At the request of Mr. ABRAHAM, the names of the Senator from North Dakota [Mr. DORGAN] and the Senator from New York [Mr. D'AMATO] were added as cosponsors of S. 389, a bill to improve congressional deliberation on proposed Federal private sector mandates, and for other purposes.

S. 394

At the request of Mr. HATCH, the names of the Senator from California [Mrs. BOXER] and the Senator from Florida [Mr. GRAHAM] were added as cosponsors of S. 394, a bill to partially restore compensation levels to their past equivalent in terms of real income and establish the procedure for adjusting future compensation of justices and judges of the United States.

S. 419

At the request of Mr. BOND, the names of the Senator from Michigan [Mr. ABRAHAM] and the Senator from Connecticut [Mr. DODD] were added as cosponsors of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 509

At the request of Mr. BURNS, the name of the Senator from Kansas [Mr. BROWNBACK] was added as a cosponsor of S. 509, a bill to provide for the return of certain program and activity funds rejected by States to the Treasury to reduce the Federal deficit, and for other purposes.

S. 563

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 563, a bill to limit the civil liability of business entities that donate equipment to nonprofit organizations.

S. 564

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 564, a bill to limit the civil liability of business entities providing use of facilities to nonprofit organizations.

S. 565

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 565, a bill to limit the civil liability of business entities that make available to a nonprofit organization the use of a motor vehicle or aircraft.

S. 566

At the request of Mr. SANTORUM, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 566, a bill to limit the civil liability of business entities that provide facility tours.

S. 598

At the request of Mr. DOMENICI, the name of the Senator from Mississippi [Mr. COCHRAN] was added as a cosponsor of S. 598, a bill to amend section 3006A of title 18, United States Code, to provide for the public disclosure of court appointed attorneys' fees upon approval of such fees by the court.

S. 657

At the request of Mr. DASCHLE, the names of the Senator from Nevada [Mr. REID] and the Senator from Illinois [Ms. MOSELEY-BRAUN] were added as cosponsors 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. 714

At the request of Mr. AKAKA, the name of the Senator from Idaho [Mr. CRAIG] was added as a cosponsor of S. 714, a bill to make permanent the Native American Veteran Housing Loan Pilot Program of the Department of Veterans Affairs.

S. 735

At the request of Mr. D'AMATO, the names of the Senator from Massachusetts [Mr. KENNEDY] and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 735, a bill to amend title 10, United States Code, to restore the Department of Defense loan guarantee program for small and medium-sized business concerns that are economically dependent on defense expenditures.

S. 766

At the request of Ms. SNOWE, the names of the Senator from Massachusetts [Mr. KERRY] and the Senator from California [Mrs. BOXER] were added as cosponsors of S. 766, a bill to require equitable coverage of prescription contraceptive drugs and devices, and contraceptive services under health plans.

S. 855

At the request of Mr. FAIRCLOTH, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 855, a bill to provide for greater responsiveness by Federal agencies in contracts with the public, and for other purposes.

SENATE CONCURRENT RESOLUTION 7

At the request of Mr. SARBANES, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of Senate Concurrent Resolution 7, a concurrent resolution expressing the sense of Congress that Federal retirement cost-of-living adjustments should not be delayed.

SENATE CONCURRENT RESOLUTION 29

At the request of Mr. GORTON, the name of the Senator from Michigan [Mr. ABRAHAM] was added as a cosponsor of Senate Concurrent Resolution 29, a concurrent resolution recommending the integration of Estonia, Latvia, and Lithuania into the North Atlantic Treaty Organization.

NOTICE OF HEARING

COMMITTEE ON ENERGY AND NATURAL RESOURCES, SUBCOMMITTEE ON NATIONAL PARKS, HISTORIC PRESERVATION, AND RECREATION

Mr. THOMAS. Mr. President, I would like to announce for the information of the Senate and the public that the June 12, 1997, hearing to review the preliminary findings of the General Accounting Office concerning a study on the health, condition, and viability of the range and wildlife populations in Yellowstone National Park which is scheduled before the Subcommittee on National Parks, Historic Preservation, and Recreation of the Committee on Energy and Natural Resources has been rescheduled.

The hearing will now take place on Thursday, July 10, 1997, at 2 p.m. in

room SD-366 of the Dirksen Senate Office Building in Washington, DC, instead of on June 12, as previously scheduled.

For further information, please contact Jim O'Toole of the subcommittee staff at (202) 224-5161.

ADDITIONAL STATEMENTS

HONORING ARGONNE-WEST SCIENTISTS

• Mr. KEMPTHORNE. Mr. President, I rise today to give recognition to four very important individuals involved in the advancement of engineering and science relating to nuclear activities for our country, and specifically within the State of Idaho. I would like to commend Douglas C. Crawford, H. Peter Planchon, John I. Sackett and Bobby R. Seidel on their various efforts in this area which have warranted top awards from the American Nuclear Society.

These four scientists, all employees of the Argonne National Laboratory-West, have made tremendous advances in terms of the science involving the safe generation of nuclear power. For example, Dr. Douglas Crawford was awarded the Young Member Engineering Achievement Award which recognizes a series of experiments on reactor fuels. Dr. Crawford has become a widely recognized expert in the handling, management, and treatment of plutonium. He is also the manager of the Engineering Division's Materials Technology Section at Argonne-West.

Dr. H. Peter Planchon, who serves as an Associate Director of the Engineering Division, received the American Nuclear Society's Seaborg Medal which is awarded for outstanding long-term individual excellence in nuclear investigation and study. Dr. Planchon developed reactor modeling and experiments which have led to the use of passive response to accidents in sodium-cooled reactors. His work and efforts were demonstrated in a 1986 experiment in which Experimental Breeder Reactor—II, at the time operating at full power, was exposed to accident conditions. The reactor safely shut itself down without operator intervention. Thanks to Dr. Planchon's efforts, subsequent tests have shown that simplified nuclear plants could be safely designed for the future.

Dr. John Sackett's contributions to fast reactor technology, resulting in new and better approaches to plant protection and safety, have earned him great recognition and the honor of receiving the Walker Cisler Medal. This medal is a special award which recognizes outstanding scientific or engineering research achievements in the design and development of the fast breeder reactor as applied to electric power generation. Dr. Sackett's efforts truly are outstanding scientific achievements which have led to better plant operation. He currently serves as the Deputy Associate Laboratory Director for Argonne-West.

And finally, the American Nuclear Society's Public Communications Award was given to Dr. Bobby Seidel for his exceptional service in communicating unbiased facts regarding nuclear power to the public, which, as you know, Mr. President, is not always an easy task. Dr. Seidel directs the student and faculty programs at Argonne-West and was the propelling strength behind the planning and construction of the nuclear energy display for the Idaho Falls-Bonneville County Museum. This is a particularly important exhibition of nuclear technology for the people of the Idaho Falls area because so many times a hands-on look at how this process works is a much more effective means of education, rather than merely reading about such technology in a pamphlet or newspaper.

The American Nuclear Society is a nonprofit, international agency comprised of individuals who represent more the 1,600 corporations, educational organizations, and Government agencies. These people, most of whom are engineers, scientists, educators, and students, have created an astounding membership number of over 17,000. Each year, the society chooses the top contributors to the institutes of nuclear science and engineering, and recognizes them with distinctive awards, specific to their fields of work. I am proud to know that this year a few of these awards were given to four outstanding Idaho citizens.

Again, Mr. President, I would like to commend these gentlemen on their accomplishments and contributions to the nuclear scientific and engineering community. These individuals are a valuable asset not only to Argonne-West, but to all of us who rely on nuclear power as an inexpensive, renewable, and reliable source of energy.•

THE BRONX RECEIVES RECOGNITION AS A TOP 10 ALL-AMERICAN CITY

• Mr. MOYNIHAN. Mr. President, the New York City borough once derided as "the worst slum in America" has been named an All-American City by the National Civic League. This achievement, announced last weekend by Bronx Borough President Fernando Ferrer, is the result of a decade of hard work and careful planning. Improved economic conditions have spawned a renewal of spirit; a cultural and economic renaissance that gives hope for the future.

In his 1997 State of the Borough Report, President Ferrer writes, "Ten years ago, the Bronx was best known as the borough of window decals and trash-strewn vacant lots. Abandoned buildings. Illegal Medicaid mills. With its broken windows and broken dreams, the Borough of the Bronx stood as the international symbol of urban failure."

What a difference a decade can make. The National Civic League Award confirms what the residents of the Bronx already knew; their community has undergone an unprecedented transformation. This metamorphosis is evidenced by strong economic growth, 522 new businesses, the preservation of the Old Bronx Borough Courthouse, improvements in transportation, 30,000 new housing units, new parks and recreational facilities, and a celebration of the cultural and ethnic diversity of the people of the Bronx.

President Ferrer, New York City officials and community leaders deserve our praise and our admiration. Together, they have earned an honor for the Bronx that makes all New Yorkers proud. In so doing, they have provided hope to other communities throughout the world. I ask that news stories from the New York Times and the Daily News be printed in the RECORD.

The material follows:

[From the New York Times, June 9, 1997]

THE BRONX IS NAMED AN ALL-AMERICA CITY

The Bronx—once called "the worst slum in America" by former President Carter—is one of America's top communities, the National Civic League said, announcing its annual top 10 All-America Cities.

Other winners were Fremont, Calif.; Hillside Neighborhood (Colorado Springs), Colo.; Aberdeen, Md.; St. Joseph, Mo.; Asheville, N.C.; Statesville, N.C.; Bismarck, N.D.; Aiken, S.C.; and Texas City, Tex.

The 48-year-old competition, sponsored by the Allstate Foundation, judges cities based on citizen participation, collaborative approaches to problem-solving, diversity and education, among other criteria. Each winner receives a $10,000 grant.

Genevieve Brooks, the Bronx's deputy borough president, said strong grass-roots efforts have helped stem crime, improve neighborhood blight and open access to primary health care for the poor. "We are truly very excited that someone else sees the hard work that we have done," Ms. Brooks said.

[From the Daily News, June 9, 1997]

AWARD BRINGS CHEER TO BRONX

(By Bob Kappstatter)

Aaaay. Don't diss the Bronx anymore.

The gritty borough—once called "the worst slum in America" by President Jimmy Carter—has kicked its arson-scarred stereotype.

It has been named one of the top 10 All-American Cities by the prestigious National Civic League, which recognized it for its long battle against crime and drugs.

"We are no longer one of America's best kept secrets, but one of its strongest success stories," crowed Borough President Fernando Ferrer, who handily rattled off a list of the borough's urban renewal accomplishments.

They range from 30,000 new and restored units of housing, to 522 new businesses representing an $460 million investment.

The 48-year-old competition, sponsored by the Allstate Foundation, judged 128 original

entrants based on citizen participation, approaches to problem-solving, diversity and education, among other criteria.

Each winning community receives a $10,000 grant.

Celeste Ortiz, a member of the Undercliff-Sedgwick Neighborhood Safety-Services Council who participated in the competition, said she was "excited to be living in a part of the city that is coming alive again."

"Our morale has changed and now we see the Bronx as part of the city, part of America," she said.

Genevieve Brooks, now Bronx deputy borough president, was one of the original driving forces that helped turn the ashes and rubble of Charlotte St. and places like it into blocks of sparkling new homes.

She said strong local efforts have helped stem crime, erase neighborhood blight and open access to primary health care for the poor.

"We are truly very excited that someone else sees the hard work that we have done," Brooks said.

Other winners announced Saturday night in Kansas City, Mo., were Fremont, Calif.; Hillside Neighborhood (Colorado Springs), Colo.; Aberdeen, Md.; St. Joseph, Mo.; Asheville, N.C.; Statesville, N.C.; Bismarck, N.D.; Aiken, S.C., and Texas City, Tex.

Some 120 communities applied for the reward.•

TRIBUTE TO THE ROBERTS VAUX MIDDLE SCHOOL MIGHTY BISHOPS

• Mr. SANTORUM. Mr. President, I would like to take a few moments of Senate business to congratulate a group of middle school students from Philadelphia. On April 29, the Roberts Vaux Middle School Chess Team won first place in their K–8 division at the National Scholastic Chess Championship in Knoxville, TN. Competing against 4,300 students from almost every State in the Union, team members also earned individual awards for the third and sixth best players in the Nation, as well as for the top sixth and eighth graders in their sections. Additionally, Vaux's Salome Thomas-El won a coach's award.

Collectively known as the Mighty Bishops, or the "Bad Bishops," Demetrius Carroll, Charles Mabine, Earl Jenkins, Anthony Harper, Anwar Smith, Denise Pickard, Latoria Spann, Alisca Shropshire, Tanisha Edwards, Tyeisha Falligan, Donzell White, Thomas Allen, and Ralph Johnson have worked hard for this victory. For instance, the Mighty Bishops practiced at least 5 days per week for 3 hours each day. They used a library of chess books and some computer programs to learn strategies for all aspects of the game. More importantly, they sharpened their problem solving, critical thinking, and decisionmaking skills—skills that will help them not only in competition, but also in life.

Prior to winning the national championship, the team secured significant victories at other competitions. This past January, the Mighty Bishops received first place individual and fourth place team trophies at the Greater New York Junior High Chess Championship. At the U.S. Amateur Team Championship in Parsippany, NJ, Vaux received the top record of any middle school. I would also note that the Mighty Bishops placed second at the Pennsylvania State Championships.

Mr. President, I am proud of these students. These bright young people are a credit to themselves, their school, their families, and their community. I ask my colleagues to join me in congratulating the Mighty Bishops and in extending the Senate's best wishes for continued success.•

TRIBUTE TO JOHN TALLMAN

• Mr. DURBIN. Mr. President, I rise today to pay special tribute to an exceptional hometown hero, John Tallman, who is retiring as president of the Bourbonnais, IL, Fire Protection District after 48 years of distinguished service.

On June 7, 1997 colleagues, friends, and family gathered to celebrate John's retirement after a lifelong commitment to the fire department and the community of Bourbonnais. He certainly deserves such recognition.

Although a farmer by profession, at age 28, John began his service with the volunteer-operated fire protection district as an appointed trustee and was then elected president. As testimony to his commitment and integrity, John has remained the only president in the fire protection district's 49-year history.

Over the years, John guided the fire protection district through remarkable periods of growth and modernization. Under John Tallman's tenure, the Bourbonnais Fire Protection District distinguished itself as one of the outstanding all-volunteer fire departments in the State. Improvements to the fire department facilities, equipment, and service instituted under John's direction enabled the department to better respond to the growing number of emergencies and helped save lives and property.

In addition to his duties with the fire protection district, John has also been a dedicated husband and father, an 18-year member of the Bourbonnais Elementary School Board, a farmer, and a 19-year member of the Kankakee County Board of School Trustees.

John is a role model for all Americans and I commend him for his selfless service and effective leadership to the citizens of Bourbonnais and of our State. A fellow firefighter once described John as being one of a kind. John Tallman leaves behind big shoes to fill, and his leadership and vision as fire protection district president will be missed.•

IN REMEMBRANCE OF JOHN SENGSTACKE

• Ms. MOSELEY-BRAUN. Mr. President, today I would like to offer my most heartfelt condolences to the family, friends, and colleagues of John Sengstacke, Chicago Defender publisher and owner, a Chicago native.

Mr. Sengstacke was a man of vision, who promoted and created opportunities through his words and his actions. He was a person who valued commitment, always urging others to follow through. Under his tutelage, the Chicago Defender became one of the most widely read, informative, and important, independent newspapers for countless Chicagoans.

His was a courageous life, and he always took a stand against segregation and discrimination, always fought to give a voice to the voiceless. Most notable are his efforts as a member of Truman's committee to desegregate the military and his vigilant effort to get the first African-American correspondent into the White House.

He was clear that his role was not only to inform but to educate, by both his personal and professional actions.

John Sengstacke knew the power of the pen was one of the strongest weapons available to African-Americans. He worked tirelessly to get the National Newspaper Publisher's Association established, and it became an organization that would help more than 200 African-American-owned newspapers provide a voice for the African-American community.

We have truly lost one of our finest freedom fighters, but he left a legacy of tenacity and resilience that will endure.

We have much to celebrate in remembering the life of John Sengstacke. I thank John for his friendship, and thank him for blessing us with his legacy.•

WEST VALLEY DEMONSTRATION PROJECT

• Mr. MOYNIHAN. Mr. President, I rise to note that May 28 was a significant day in West Valley, NY, and in the field of nuclear waste disposal. In 1982 we authorized the West Valley demonstration project, in which we would learn to take liquid nuclear waste and mix it with glass. The process is called vitrification, and yields ten foot high glass logs that can be stored safely. After 14 years of preparation, research, and testing, vitrification began last July. On May 28th the 100th glass log was produced.

The success of the vitrification process developed at West Valley and at the Savannah River in Georgia led the Department of Energy to select it as the preferred method of disposal for such wastes. This is an accomplishment that the many hundreds of people in western New York who worked on the project can be most proud of.

They have another 110 logs to go at West Valley, but it is clear that the technology works. It can and will be

replicated at other sites around the country, helping to solve one of our most vexing and serious waste disposal problems. Moreover, vitrification can be used to store other types of hazardous waste without fear of leaking. I congratulate all those at Westinghouse and the many agencies involved with the West Valley project for achieving this milestone.•

CBO COST ESTIMATES—S. 430 AND S. 210

• Mr. MURKOWSKI. Mr. President, when the Committee on Energy and Natural Resources filed its reports on S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997 and S. 210, a bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes, the estimates from the Congressional Budget Office were not available. Those reports have now been received and I ask that copies be printed in the RECORD for the information of the Senate and the public.

The material follows:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, May 21, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 430, the New Mexico Statehood and Enabling Act Amendments of 1997.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Marjorie A. Miller (for the state and local impact), and Victoria V. Heid (for federal costs).

Sincerely,

JUNE E. O'NEIL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 430—New Mexico Statehood and Enabling Act Amendments of 1997

S. 430 would amend the New Mexico Statehood and Enabling Act of 1910 and would consent to amendments to the constitution of the state of New Mexico approved by the voters on November 5, 1996. These amendments generally concern the administration of the state's permanent trust funds. Congressional consent to the amendments to the constitution of the state of New Mexico is required before they can be implemented by the state government.

CBO estimates the enacting S. 430 would have no effect on the federal budget. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. S. 430 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 and would impose no costs on state, local, or tribal governments. Enactment of this bill would give New Mexico state officials greater flexibility in investing and distributing the assets of the state's permanent funds.

The estimate was prepared by Marjorie A. Miller (for the state and local impact), and Victoria V. Heid (for federal costs). This estimate was approved by Paul N. Van de Water, Assistant Director for Budget Analysis.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 2, 1997.

Hon. FRANK H. MURKOWSKI,
Chairman, Committee on Energy and Natural Resources, U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 210, a bill to amend the Organic Act of Guam, the revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are John R. Righter (for federal costs), and Marjorie Miller (for the state and local impact).

Sincerely,

JUNE E. O'NEILL,
Director.

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 210—A bill to amend the Organic Act of Guam, the Revised Organic Act of the Virgin Islands, and the Compact of Free Association Act, and for other purposes

Summary: S. 210 would make several changes to existing laws governing the relationship between the United States and the insular areas, which include Guam, the Virgin Islands, the Republic of the Marshall Islands, and others. In addition, the bill would establish the Commission on the Economic Future of the Virgin Islands and the Commission on the Economic Future of American Samoa to recommend policies and programs to assist the Virgin Islands and American Samoa in developing secure and self-sustaining economies.

Subject to appropriation of the necessary funds, CBO estimates that implementing S. 210 would cost the federal government about $6 million over the 1997–2002 period. In addition, the Joint Committee on Taxation (JCT) estimates that this bill would decrease federal revenues by about $14 million over the 2003–2007 period. Enacting this legislation also could affect direct spending by reducing the amount of offsetting receipts from the sale of federal property. Hence, pay-as-you-go procedures would apply to the bill. CBO estimates, however, that any potential loss of such receipts would not be significant.

S. 210 contains no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of S. 210 is shown in the following table. Assuming appropriation of the amounts specified in the bill for the costs of the proposed commissions and amounts estimated for other costs, CBO estimates that implementing S. 210 would cost about $6 million over the 1997–2002 period.

	By fiscal years, in millions of dollars					
	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
Estimated authorization level	1	2	2	1	1	(1)
Estimated outlays	(1)	2	2	1	1	(1)

[1] Less than $500,000.

The costs of this legislation fall within budget function 800 (general government).

Basis of estimate

Spending subject to appropriation

S. 210 would extend the Department of Agriculture's (USDA's) authority to continue shipping excess food commodities to the Marshall Islands through fiscal year 2001. According to the department, $581,000 was appropriated in fiscal year 1997 for the program. Of that amount, about $525,000 is for food commodities and about $55,000 is for administrative expenses. In addition, the bill would require that the amount of commodities provided to the Marshall Islands reflect changes in its population that have occurred since the enactment of the Compact of Free Association in fiscal year 1986. The amount provided to the program has varied since it began in fiscal year 1987. According to USDA, the program received about $1.6 million in 1987. Between 1988 and 1992, the program received, on average, about $465,000 a year. Since fiscal year 1993, $581,000 has been appropriated each year for the program. S. 210 only specifies a base year from which to calculate changes in the islands' population but not a base level of funding. The estimate adjusts the level of funding received in fiscal year 1988—$501,000—for changes in the price level and for changes in the population since fiscal year 1986. (CBO estimates that the population will have increased by about 60 percent between fiscal years 1986 and 1998.) Under these assumptions, extending the program would cost about $5 million over the 1998–2001 period.

The bill also would establish the Commission on the Economic Future of the Virgin Islands and the Commission on the Economic Future of American Samoa to recommend policies and programs to assist the Virgin Islands and American Samoa in developing secure and self-sustaining economies. Both commissions would have six members, and the bill would require that each commission file its report by June 30, 1999. The bill would authorize an average of $300,000 a year for fiscal years 1997 through 1999 for the costs of each commission. Assuming the bill would not be enacted until later this year, CBO estimates that outlays for the two commissions would total about $1.2 million over fiscal years 1998 and 1999.

S. 210 also would require, subject to availability of appropriated funds, that the Department of the Interior (DOI) take a census of Micronesia within five years of the decennial census of the United States population. A census of Micronesia would thus be required by fiscal year 2005. The bill would limit expenditures on the census to no more than $300,000. In addition, the bill would repeal a requirement that the Administration report annually to the Congress on the impact of the Compact of Free Association on the territories and the state of Hawaii. According to DOI, it has prepared three such reports since 1986. CBO estimates that savings from repealing this requirement would not be significant.

Direct spending and receipts

By granting the government of Guam the right of first refusal on any federal property declared excess on Guam, S. 210 could reduce the amount of offsetting receipts from the sale of surplus federal property. However, according to the General Services Administration (GSA) and DOI, a sale of federal property has never occurred on Guam. Also, the bill would require Guam to pay fair market value for any property transferred for private use. Therefore, CBO estimates that the provision would have no significant impact on federal receipts. In most or all cases, CBO expects the federal government would transfer the property anyway to the government of Guam under one of its public purpose programs.

Under current law, the Virgin Islands is required to secure its bonds with a priority

first lien claim on specified revenue streams, rather than being permitted to secure multiple bond issues on a parity basis with a common pool of revenues. JCT estimates that if the priority lien requirement is repealed, the Virgin Islands would issue more tax-exempt bonds beginning in fiscal year 2003 than under current law. (Fiscal year 2003 is the earliest that the Virgin Islands can refund outstanding revenue bonds issued on a priority basis.) The increase in tax-exempt bonds, which would lower federal revenues, would occur because the Virgin Islands could secure a greater volume of bonds with the same amount of revenues if a parity approach were permitted. JCT estimates that repealing the priority lien requirement for revenue bonds would decrease federal revenues by $14 million over the 2003-2007 period.

If the Virgin Islands were also to receive the authority under separate legislation to refund the outstanding revenue bonds prior to their redemption date in fiscal year 2003, JCT estimates that this provision would decrease revenues by an additional $21 million over the 1998-2002 period and by an additional $2 million over the 2003-2007 period. These estimates assume that the Virgin Islands would refund the priority bonds in fiscal year 1998 and thus increase the volume of outstanding tax-exempt bonds. Thus, if S. 210 were enacted after the enactment of separate legislation authorizing the additional advance refunding by the Virgin Islands, JCT estimates that federal receipts would decrease by about $21 million over the 1998-2002 period and by about $37 million over the 1998-2007 period.

Pay-as-you-go considerations: Section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 sets up pay-as-you-go procedures for legislation affecting direct spending or receipts through 1998. While H.R. 210 could affect direct spending in fiscal year 1998 by reducing the amount of offsetting receipts from the sale of federal property, CBO estimates that any such effect would not be significant.

Estimated impact on State, local, and tribal governments: S. 210 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Some of the amendments included in this bill would benefit the affected governments—territories and freely associated states of the United States. Generally, the impact of these changes would be small. For example, the bill would give the government of Guam greater access to excess federal property. It would also give the government of the Virgin Islands additional options for issuing bonds and short-term notes.

Estimated impact on the private sector: This bill would impose no new private-sector mandates as defined in UMRA.

Estimate prepared by: Federal Costs: John R. Righter; Impact on State, Local, and Tribal Governments: Marjorie Miller.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.●

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

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

The PRESIDING OFFICER. The absence of a quorum has been suggested. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

UNANIMOUS-CONSENT REQUEST—S. 419

Mr. LOTT. Mr. President, I ask unanimous consent that the Labor Committee now be discharged from further consideration of S. 419, a bill to prevent birth defects by developing and implementing new prevention and surveillance strategies and the Senate now proceed to its immediate consideration under the following limitation: One substitute amendment in order to be offered by Senator BOND, no other amendments be in order to the bill, and there be 30 minutes equally divided for debate with Senator BOND in control of 15 minutes, and the ranking member in control of 15 minutes, and further, following the disposition of the amendment, and the expiration or yielding back of time, the bill be read a third time and the Senate proceed to a vote on passage of the bill as amended with no intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object, Mr. President, I am a cosponsor of that particular legislation and I appreciate having the chance to debate it on the Senate floor. I think there is probably broad bipartisan support for it. But I have indicated to the majority leader on a number of occasions now our strong desire to delay the consideration of any other legislation until we have the opportunity to consider again the disaster bill.

There are people out there that have birth defects. There are people out there that do not have homes. There are people out there that do not have their farms, their businesses. There are people out there that do not have the opportunity to conduct their lives in a normal way that are waiting day by day for us to respond in a meaningful way to their circumstances.

People in 35 States now have been affected by the disastrous circumstances that are addressed in this piece of legislation. We ought not do anything until we have had the opportunity once more to consider that legislation. So on behalf of the Democratic caucus, Mr. President, I object to the unanimous-consent request.

The PRESIDING OFFICER. Objection is heard. The unanimous consent request of the majority leader is not agreed to.

Mr. LOTT. I regret that the Democrats will not allow the Senate to consider this bipartisan legislation. I know there are a number of Democrats that are cosponsors of it. I presume we are going to find a way to consider this. This legislation would establish a national birth defects prevention research system. I point out that our bill is cosponsored not only by the Democratic leader, but Senator DORGAN, Senator HOLLINGS, Senator CAROL MOSELEY-BRAUN, just to name a few, and a number of Senators on this side of the aisle.

As I know the cosponsors are aware, an estimated 150,000 infants are born each year with serious birth defects, resulting in 1 out of every 5 infant deaths. The bill is designed to establish regional birth defects research programs, establishes the Centers for Disease Control as the coordinating agency for birth defects surveillance and prevention, and authorizes grants to public and nonprofit organizations to develop new public awareness to reduce the incidence of birth defects.

With regard to the supplemental bill, I presume that we are going to continue to work to try to find a resolution to this problem. I think I have proven over the past year that I always believe you can find a way to work through disagreements. Quite often here in the Senate, when we seem to be in an immovable position, when everyone is intractable, Senator DASCHLE and I have found if we go to the Senators that say, "No deal ever," and ask them, "OK, what's the solution?" I think quite often they say, "Well, we can do it this way or that way."

What I have suggested to Senator DASCHLE and to the White House and to the House of Representatives and to the leadership in the Senate, including the chairman of the Appropriations Committee, is we can work together and see if we can come up with language that we can agree on with regard to this very important issue and with regard to preventing a Government shutdown at the end of the fiscal year and find a way to move the bill with some of the other language that is in there. Some of it may have to be removed; some of it may be compromised.

But, you know, compromise is not something where you work it out with yourself, on one side of the aisle or one side of the Capital. Now we have to work among ourselves, Republicans and Democrats, House and Senate and the administration. It involves engagement.

And I have asked several times along the last couple weeks, including last Friday and again yesterday, and including direct conversations with the President—"You know, can't we find a way to come up with some language that you can live with and that we can live with and move this issue beyond us and go on to other issues?"

I want to note also for one and all that this bill was originally requested to be $4.1 billion. It is now at least $8.6 billion. And it is not just funds for disasters around the country, it is also funds for the Department of Defense and a lot of other programs that were not originally requested.

I will just give you some idea what we are talking about. I hope I have the

list here. It does include things like—and these are all good and fine programs, I guess—but $33 million I think it is for the Botanical Gardens, not exactly emergency disaster funding; $23 million for a parking garage in Cleveland, OH. I do not have the list here with me, but there is a long list of things that have been added along the way.

Barnacles have been picked up on this ship. So one of the things I have suggested is, while we continue to work to try to resolve the amount and the language—in fact yesterday I was asked by one of the administration officials—I do not want to put words in their mouth—"What is this objection that Attorney General Reno has to some money in the bill?" I said to this person, "Are you talking about the $2 million for a law enforcement commission?" Would the President want to start talking about vetoing a bill because of $2 million for a law enforcement commission? I do not think so, but I would like to hear what their argument is against it.

One of the things I have suggested, with all honesty, and I did it back before the Memorial Day recess, rather than trying to negotiate this thing down or to solve all the language right now, we should go ahead and do a smaller bill that will provide the real emergency disaster and the urgent salary for DOD. That will still leave a lot of money and a lot of language that we will continue to work on.

I guess what I am saying here is that I would like to get this worked out. I would like for us to move on to the reconciliation bill. I would like for us to move on to appropriations bills. I had hoped we could do two or three appropriations bills before the Fourth of July recess, and I still hope we can put them in there tomorrow. I would like for us to take up some of the nominations that are pending. I would like for us to take up adoption legislation, legislation that passed the House with 465 votes, to make it easier to have adoptions in America. I did not bring it up last week because I found that we have a number of Senators on both sides of the aisle that have been working on that and have some good ideas, including Senator ROCKEFELLER, Senator DEWINE, Senator CRAIG, and Senator CHAFEE. They are working on it, and I think we may have a compromise adoption bill we could call up later on this week.

All I am saying here is let us go on and do some of these bills that we should be able to do in a relatively short period of time, including the birth defects research program, while we continue to see if we can work things out. I am ready. I am ready. Help me. I think we can find a way to get this thing done.

But it does not work this way. It does not work that the President says, "Send me down a full plate of money, $8.6 billion —and, by the way, we do not want any of your language on it." I have gone back and I have looked at supplementals over the years, and there has hardly ever been a supplemental that did not have all kinds of extraneous language, all kinds of add-ons. If necessary, as the afternoon progresses, I will read the list. Many of the supplementals that went to President Reagan, President Carter, and President Bush had not one or two little pieces of language, lots of pieces. I will give you some idea of how on every supplemental, I believe without many exceptions, the Congress has expressed its will. We have input. We deserve some consideration. These are not insignificant issues.

I am not convinced, for instance, on census, that at some point, once we fully understand how the sampling might work, that we would not want to do that. I think I have real legitimate questions that I do not know the answers to yet. Rather than let the administration start on down the trail, and we will do this by sampling, I want to know for sure how that is going to be better than enumeration. I want to know who is going to do it, and how it will be done. I do not know the answers.

All I am saying is, take a time out on this issue, on census, until we have more time to work on it, and then we can resolve it this fall or even next year, but we should not get locked in now before we have had a chance to really look into it.

So, I yield to my colleague, Senator DASCHLE, and ask my colleague to answer this question: If the Senate cannot consider this bill today, would he be in a position, if we cannot do it today, to grant consent for the Senate's consideration during Wednesday's session of the birth defects research program bill?

Mr. DASCHLE. Mr. President, reserving the right to object, let me take the opportunity to respond to a number of points raised by the distinguished majority leader.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. The majority leader says that all disaster bills, all supplemental bills have had extraneous legislation. I suppose that is probably true. But I have also gone back and looked at all these disaster bills and extraneous legislation added to supplemental bills, and there is one difference between all of those in the past and this one: All of those in the past have the agreement of the President; all of those in the past have been negotiated with the White House.

So, of course, you had supplemental legislation. Of course, you had extraneous legislation. But each and every time when that happened, the White House said, "Send it down. I will sign it." In this case, the President has said, "Look, these issues are so controversial and so far reaching and so problematic that I cannot agree." And the difference between this experience and all the others is the majority said, "We will do it anyway."

Now, I give great credit to the Senator from Minnesota, the junior Senator from Minnesota, who sent all of us a letter in the last couple of days. The Senator from Minnesota had a very practical, pragmatic way with which to address this problem. What he suggested is that we simply take those controversial pieces out, have a good debate, have a discussion, see if we can find a compromise. Let's do it. Let's agree right now without any filibusters, without any delay. We can commit to a time certain for legislation dealing with census, for legislation dealing with a continuing resolution, for anything else that may be extraneous and onerous to the White House. We can agree to that.

Now, I have suggested that to some of my Republican colleagues and the answer I get is, "Well, the President is going to veto those bills if they go in their current form and we don't want that." So, in a sense, what they are saying is, we will hold hostage our troops in Bosnia, all of the people detrimentally affected by the natural disasters, and every single other item in this legislation because we want our way. That is what we are being told.

Mr. President, there is no way to compromise with something like that.

Now, like the majority leader, I have tried to find ways, and I give him credit for trying to come up with innovative ways with which to address this problem, but I must say we are in a set of circumstances for which there can be no compromise when it comes to holding hostage victims of natural disasters, holding hostage people serving their country in Bosnia.

We cannot allow that to happen. So, let's take the suggestion made in good faith by the Senator from Minnesota. Let's take those pieces out, let's have a good debate on them, and maybe, in the process, we can find a compromise.

But until that happens, Mr. President, as I said a minute ago, we are going to object to any other piece of legislation coming to the floor. And I object.

THE SUPPLEMENTAL APPROPRIATIONS BILL

Mr. LOTT. Mr. President, I ask unanimous consent to have printed in the RECORD at this point the list of some of the extraneous items that have been added to this bill.

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

[In millions of dollars]

Highway trust fund	$694

Title 1 grants (poor and disadvantaged schools)	$101
VA compensation (mandatory)	932
WIC	58
Botanical Gardens	33
Law Enforcement Commission	2
Breast cancer research	15
Retired Coast Guard pay	9
Olympics counterterrorism fund	3
Indian health	3
California vineyards	9
Customs Service expenses	16
VA parking garage, Cleveland, OH	12

Mr. LOTT. I note the figure I used on the parking garage in Cleveland, OH, was not the accurate number. It is actually $12 million. It also has other interesting things in here, including $3 million for the Olympics counterterrorism fund, $3 million for Indian health care, $9 million for California vineyards.

These may all be good programs and all deserving, but I wonder how they found their way into this supplemental appropriations bill.

Also, I was here during the 1980's and early 1990's. I remember how supplementals worked. Unfortunately, I used to plead with President Reagan not to send supplemental requests up here because I knew it would become a freight train pulling all kinds of things through. I remember Presidents of both parties objecting to things that Congress added to the supplemental appropriations bills. The one we had June 30, 1989, I see one, two, three, four, five, six, seven, eight, nine add-ons. Some are not exactly insignificant, either, like East European refugee assistance, foreign aid to Haiti, funds for the Washington Convention Center. The supplemental appropriations also had about nine add-ons, including renewing section 8 housing contracts.

Remember, supplementals are always alleged to be—while they may not all be natural disasters—they are always alleged to be somewhat emergency, or otherwise they would not be coming to the floor of the Congress saying, "Give us some more money." Most administrations and Congress always underfund food stamp programs, knowing full well we will come back next year and add more money to it.

Again, some of this is pretty significant legislation and pretty costly, also.

The same thing again in 1991 and 1994. There is always language that is added. There is always funding that is added to these bills beyond what was originally requested. So, to infer that this is really something new or different is not the case.

Now, what I maintain is different here, if I could make this point.

Mr. DORGAN. Will the Senator yield?

Mr. LOTT. I will be glad to respond if I could make this point.

When I have suggested, and others have suggested, let's work together to work this out, I give credit to the Democratic leader. He has always been willing to listen, and I think that some of the things we have suggested he has been willing to think about and discuss with his colleagues. And he, like I, we cannot always say it will be this way or that way. We have a conference we deal with and you have an administration that you have to deal with. I have asked the President and his chief of staff, "Please respond. Come back. Let's see if we cannot work this out." Basically, what they are saying is, "Give us the money and no language. We want it our way and no other way." It does not work that way.

However, in the realization and in recognition of the need for some of this to be done, I am advocating while we continue to work on that, that we do a smaller bill that would address some of the concerns that the Senator from South Dakota has.

I yield to the Senator from North Dakota, if I could.

Mr. DORGAN. I very much appreciate that.

Mr. LOTT. Only for a question.

The PRESIDING OFFICER. The majority leader yields for a question.

Mr. DORGAN. I appreciate the Senator from Mississippi yielding for a question.

I ask the Senator if it is not unusual when very controversial amendments are added to disaster bills. I have been around here for some while, as well, and it is clear there have been on the other side of the aisle disaster bills, but not in my memory have very controversial measures been added to disaster bills that attract a Presidential veto and thereby delay or derail the bill.

It seems there are two ways out of this. I ask the Senator from Mississippi about both of them. One approach to resolve this issue is an approach that I offered this morning on the floor by unanimous consent, and the Senator from Minnesota has also, I believe, suggested something similar, and that would be to simply take the two big controversial items out of this, pass the bill, get a Presidential signature and get disaster aid to the victims of disasters.

The second approach is an approach that the Senator from Mississippi seemed to suggest a few moments ago, and I would like to ask a question about that. As the Senator from Mississippi will recall, about 2½ weeks ago, just prior to the Congress breaking for the Memorial Day recess, there was some discussion that if the larger bill cannot go, at least extract the body of real disaster aid and allow that to happen quickly. Now, that could happen this afternoon if others around here believe——

Mr. LOTT. If the Senator would yield, I have been an advocate of doing that for probably about 3 weeks, and I would entertain doing it. I tell you why I said it to Senator DASCHLE earlier today, so that we can do something quickly. Even if we came to an agreement here in the next 24 hours on how we would do this, it would still have to go through the committees and both floors, with amendments in order. It would take time.

This approach that you are suggesting, and I am suggesting, could take 24 hours if we put our heads to it, and we could go on and continue to work and think about the additional money. And the language, keep it in mind now, I do not know how much they are worried about some of these other issues, but I have the impression from the administration that they have a couple of other issues that they are very, very interested in. So it is not just two.

But I am interested in, and I would like to work that out, and, again, we would have to do it over here, and we would have to get it done on the other side of the Capitol and the President would have to be willing to sign it.

I think that approach makes sense—that is all I am saying. Common sense around here usually works pretty darn good.

Mr. DORGAN. If the Senator will yield further for an additional question, we had someone on the other side of the Capitol suggest prior to the weekend break, if this does not get resolved the way we—that being them—want it, we may very well cut the amount of disaster aid that is available to victims of disaster. Over the weekend in North Dakota, we had a lot of folks reacting to that with some real quaking, wondering, what does this mean? I hope that cooler heads will prevail and some common sense will prevail.

I assume there has not been that discussion here in the Senate. We had bipartisan cooperation putting together the disaster portion of the bill, and for that we are very thankful. The trick now, the goal now, is to get that aid to people who woke up this morning and who are homeless, not just dozens but thousands of them, and the Senator suggests an approach I would support, and that is to take those portions of the bill that represent the aid that is necessary to go to disasters to help get their life back in order and pass that.

I ask the Senator——

Mr. LOTT. If I could——

Mr. DORGAN. I just ask if we could assume, with your willingness to do that rather quickly, what kind of impediments does the Senator see to having that get to the President for his signature in the next 24 hours or so?

Mr. LOTT. I think that could be done quickly. It would take—I don't think it could get done right here and how. I'd like to talk further with your leader. One of the problems with the appropriations is they generally begin on the other side. But in furtherance of what you are saying, I have discussed this

this morning with the chairman of the Appropriations Committee here in the Senate and with the Speaker of the House. I presume he is consulting with his chairman and others. So I think this is the process by which we might move pretty quickly.

I think there are opponents to this. There are urgent things sort of now with regard to some of the disaster programs—perhaps some of the housing programs, perhaps some of the agriculture. There is a need to get this done as soon as possible because of weather considerations and so forth.

There is a second and third component. There are some other parts of it, some money that will need to be available and that will be available for months and even years down the line.

So there are really two parts of it. The part that is somewhat in the emergency category is different from what we usually have because you are talking about some new programs and some new ideas—which I think have some attractiveness, by the way. I have said that publicly and to the people from your States; I think it is the way to go. I think it would save money if we can find a way to move people out of what you call the flood way—what we call the floodplain in my neck of the woods—into areas where they will not be flooded year after year. That would wind up in the long run saving money.

So there is that part.

Then there is the funding for the longer term which could be available maybe for your State and may be available for other States as we look at these various disasters.

I will yield to the Senator from Missouri. But let me wrap this up. I am ready. I am willing. And I want to work with you to see if we can't do it that way.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I would like to ask the majority leader a series of questions that I think are necessary to clarify where we stand. I apologize for not being on the floor when he began.

I have the responsibility for the subcommittee that appropriates money for FEMA. I wonder—as has been made clear on the floor, the emergency money is now flowing. There is money—$2 billion in FEMA—that is going for the immediate needs right now. So there is money which can be paid out right now prior to the issuance of the completion of plans and assessments being available.

Is that clear? Has that been made clear?

Mr. LOTT. That has not been made clear, if I could respond to the question in this discussion. But I think repeatedly it has been noted that there is money in the pipeline. The distinguished Senator from Missouri is the chairman of the subcommittee that has jurisdiction in that area. He knows what is available and what should be available to FEMA for housing-type programs. Clearly those funds are flowing. We do need to prospectively for the future have additional funds. But the money is there.

I have spoken to the head of FEMA, James Lee Witt, to ask him that specific question. I have asked him, "Do you need to do something more; something different? You do have the money, don't you? You do have temporary housing available, don't you? If you do not, we would like to help make sure that you have that temporary housing money available and the temporary housing available."

So I think the Senator makes a very good point.

Mr. CONRAD. Mr. President, will the Senator yield?

Mr. BOND. If I could ask another question——

Mr. LOTT. If I could take another question, then I will go back to the Senator from North Dakota.

Mr. BOND. It has been made clear to our colleagues and to the people viewing this that before major disaster relief can start flowing, there has to be damage assessments. I guess it is the understanding of the majority leader that they are at least 2 weeks away from getting the damage assessments. The State has to have a plan submitted and approved by the Federal Emergency Management Agency. Dollars then go to the State from FEMA and from the Department of Housing and Urban Development. Is it the clear understanding that this is a long process which is not being held up during this day or tomorrow, but the money is needed, and we will provide it? But the time required to get the plans in place still has not been completed.

Is that the understanding?

Mr. LOTT. In answer to the Senator's question, that is my understanding. I have been through these disaster situations. I know there is a painful period during which you must have assessments and you must have plans. It is the most difficult time of all. It is actually worse a month after a disaster than it is the day after, in some respects. Or certainly after 6 months you begin to see the light at the end of the tunnel.

We checked this morning from the staff standpoint with regard to FEMA funds available. I understand there is $1.5 billion available as of this morning.

So there are funds available, and they are, I believe, probably flowing to the various States that have been affected.

Mr. CONRAD. Will the Senator yield?

Mr. BOND. I have one final question to the majority leader. I very much appreciate his efforts to bring up the Birth Defects Prevention Act, which would deal with a very serious problem of 150,000 babies being born each year with birth defects in this country. We would like to go to it.

It is my understanding that, even if there were no other measure on the floor, the supplemental appropriations bill would have to come over from the House. There is no reason to filibuster or delay the Birth Defects Prevention Act, because taking care of this bill this afternoon will in no way delay the disaster. It will deal with the disaster of birth defects which we can deal with today without slowing down any supplemental emergency appropriations.

Is that correct?

Mr. LOTT. In answer to the Senator's question, it is absolutely right.

I thank the Senator from Missouri for his work on this legislation. He has worked for a good long while and with the help of a lot of other Senators.

He is absolutely right, also, that we have tried this afternoon, during which time we can do this birth defects legislation while we see if we can work out some agreement or some emergency disaster bill. It would have to pass the House. Also, in connection with the Senator's stand, we want to talk about the supplemental.

I am prepared to work with the Senator from South Dakota to make sure we have adequate time later on this afternoon and tonight to have a full discussion.

I thought last week having protracted discussion would have been counterproductive to trying to get an agreement, to get it completed. If the Senators feel strongly that they want time to do that tonight, my advice is to accommodate you in that effort. Of course, we will want Senators from our side of the aisle to have equal time or opportunity to speak also.

I thank the Senator for his questions. I know he is prepared and ready to go to the birth defects legislation.

Mr. President, I am glad to yield to the Senator from North Dakota for a question only.

Mr. CONRAD. I thank the majority leader.

Mr. President, is the majority leader aware that over the weekend on this question of the money in the pipeline that the Republican Congressman from Minnesota said this: "Those who argue there is money in the pipeline are being disingenuous, at best. There is no money for housing, for livestock, sewerage systems, water supply, housing buyouts. There is no money in the pipeline for those things. They can't really rebuild without the funds that are tied up in the disaster relief bill."

I would like to ask further, is the majority leader aware of what the Republican Governor of South Dakota said on this question? Janklow said, "The delay in the legislation is blocking reconstruction of sewerage facilities, highways, and a state-owned rail line in South Dakota."

He went on to say, "I am not going to award contracts on the come. I'm not a fool."

Janklow said, "What happens if we award a contract and we don't have the money for it?"

Finally, I ask if the majority leader is aware that the mayor of Grand Forks has now written letters to the Senate and said the same thing and asked that the emergency provisions be stripped out—that is, the disaster provisions—and be passed so that in fact the aid can flow.

Is the Senator aware of those developments over the weekend: the Republican Congressman from Minnesota saying the money is not flowing in those specific areas; the Republican Governor of South Dakota saying the same thing; and, finally, the mayor of Grand Forks asking that we move the disaster provisions as expeditiously as possible because they are not getting the aid they desperately need?

Mr. LOTT. As a matter of fact, if I could respond to the question and comments, the Senator is suggesting right there at the end that we try to move the emergency disaster portion of this as expeditiously as possible. I suggested a way we can do that.

I want to remind the Senator also that this additional funding and authorization, I believe, would be available—would have been available yesterday—if the President had signed the bill, a bill that 67 Senators voted for. It would have been available yesterday just like that. But the President of the United States vetoed it because of language that he is not happy with, and, I repeat, a bill that got 67 Senators to vote for it, including, I think, a majority or very close to a majority of Democrats. I know why. And I know that there are some areas where the youth program is being suggested, and I hope we can find a way to move that expeditiously, as has been suggested.

Mr. CONRAD. Will the Senator yield for a further question?

Mr. LOTT. I understand we can't use these dollars until the plans are available to use them. Anyway, we are still waiting on plans from FEMA or from the States.

Mr. CONRAD. Will the Senator yield?

Mr. LOTT. Yes; I am glad to yield for a question only.

Mr. CONRAD. If I could ask the Senator, with this question of the money in the FEMA pipeline, is the Senator aware that there are other pipelines that deliver assistance that in fact don't have money in them? That is, housing doesn't have money in their pipeline, agriculture doesn't have money in their pipeline. So the reference to FEMA is very limited with respect to those parts of disaster relief that they address.

Mr. LOTT. In responding to the question, there are perhaps some programs or agencies that may not have specific disaster funds. I know that the Senator from South Dakota has advocated something new or different with regard to livestock, if that is an accurate way to put it.

I know that agriculture has a good bit of money that they could use in a variety of ways that would be helpful. But, as I understand it, this would be a new program which I am sympathetic to. But before any of this is done, I repeat once again, there has to be a plan.

I just say to my colleagues here again that as soon as we complete this dialog and then we hear from others who are awaiting to speak from both sides of the aisle, including the Senator from Minnesota, who wishes to be heard, I will be glad to talk further with the Senators from North Dakota, Minnesota, and South Dakota, or any other States. We can talk about how we can do this thing expeditiously while we continue to work on the bigger package.

Also, I would like to note, if I could, that we hope to move other issues in the days ahead.

I mentioned that I believe we hope to consider the State Department authorization bill next week, as well as the DOD authorization bill. We need to get this resolved as soon as we can so we can get on to those important issues.

I understand that my Democratic colleagues have also objected to the permission of committees to meet during today's session. One of those committees, which is very important, is the Armed Services Committee. The Armed Services Committee is marking up the Department of Defense authorization bill for the next fiscal year.

This year, unlike a lot of past years, I had the impression that the DOD authorization bill and the Armed Services Committee marking up is going smoothly and that it is not going to be as controversial as it has been in the past; that we may have one or two big amendments, but that this is something we can do in a relatively short period of time—perhaps 3 days.

The Armed Services Committee had three subcommittee meetings planned today in an effort to prepare or report the Department of Defense authorization bill.

I really regret that objection. Needless to say, this objection to committee meetings will only delay and hamper their ability to report this bill.

Then, of course, during the week of the 23d, the Senate will consider both reconciliation bills, both the spending restraint and realignment-of-spending bill. And the tax legislation will be reported out of the Finance Committee.

So we are going to have long days and nights ahead of us. I want the Members to be on notice that we must get this work done before our Fourth of July recess. Therefore, in anticipation of that, Senators should be prepared to be here at least next week throughout all of the week and probably the next week, too. The objection to the birth defects bill, as well as the provisions for committees to meet, will only make these last few weeks even longer.

I understand what you are trying to accomplish here. I hope that we can find a way to allow the committees to meet, and I hope to do that later on this afternoon.

Then I would like also to talk to the Senator from South Dakota the Democratic leader about exactly what we need to do in terms of debate tonight and how long you are thinking about. Also, I need to talk to all of you about how we can move something very quickly and expeditiously.

Mr. SARBANES. Will the majority leader yield for a question?

Mr. LOTT. Mr. President, I yield to Senator SARBANES for the purpose of a question only.

Mr. SARBANES. Will the Senator agree with me that all Members of the Senate have an interest in making sure that this disaster relief is provided to the people who have been hit by this extraordinary national disaster, and that there is a constant reference to the Senators from North Dakota, South Dakota, and Minnesota? Of course, they have been most immediately impacted, but it seems to me that every Member of the Senate has an interest in responding to this.

Mr. LOTT. In response to that question, why, of course. We all have that interest. As a matter of fact, 35 States have had some amount of disasters—whether it is flooding, freezes, or whatever it may be—including my own State, in which I think for three or four counties a request was made by our Governor to have disaster assistance available, which I might note has been turned down by FEMA even though the State right across the river, which was also flooded, was approved.

But in answer to the Senator's question, the Senate, the Congress, has always shown a desire to, as a matter fact, address natural disasters; and also a desire to avoid manmade disasters like the fiascoes we have had 11 times since 1981 of Government shutdowns that also cause people pain and suffering and loss of their jobs and income. So, yes, I feel that sympathy. I have been through it. I have been through hurricanes, tornadoes, freezes, droughts——

Mr. SARBANES. That is the other question.

Mr. LOTT. Ice on the trees, endless amounts, and we have always been sympathetic to each other, and we are this time. We are this time. We are going to provide the disaster assistance the people in the affected States need. We are going to do it.

Mr. CONRAD. Will the Senator yield? Can we do it today?

Mr. LOTT. The question is, how do we do it.

Mr. CONRAD. Can we do it today?

Mr. LOTT. I hope so. I would like to do that. But we can do it one or two ways. We can do sort of the new portion, the emergency portion, or we can work out an agreement on the bigger package. And I am ready to do either one of those. I think we can do it once we make up our minds to do it.

Mr. WELLSTONE. Will the Senator yield?

Mr. SARBANES. Will the Senator yield for one further question?

Mr. LOTT. I will yield.

Mr. SARBANES. I recall the Senator's own State was struck with a disaster.

Mr. LOTT. We have had them all. We have had them all.

Mr. SARBANES. We had a major hurricane, and I remember voting to send disaster relief to the Senator's State in order to meet that situation. I don't recall it being caught up in these kinds of delays.

Mr. LOTT. Well, understand once again——

Mr. SARBANES. In personal disaster relief.

Mr. LOTT. There seems to be an abundance of selective memory around here. I remember—in fact, I have been through how that disaster legislation has worked. In fact, I was a staff member one time on the biggest one of all where we did not have FEMA. We did not have existing law. In fact, if you go back and look at the history of what has led to FEMA, it was in legislation we drafted in 1969. The disaster occurred August 18, as I recall it was, something like that, and we had to rely on the Corps of Engineers and people, volunteers to come in and help us. It was weeks, weeks before we got the legislation and, in fact, got many of the programs to help us. In fact, we did not have a lot of the programs that are now on the books.

I am not saying that that is good. I think we have learned from that experience.

Mr. SARBANES. I hope so.

Mr. LOTT. I am glad we have been through that, and now we are going to provide, as we always have, the assistance that is needed to the people in America who cannot help themselves.

There is one thing that worries me about part of this bill. There is a lot of spending in here that does not relate to these disasters. It has just sort of been added as it's gone along, and I am not putting that just on Democrats either. A lot of these projects, if I go down the list, I can trace them back to some of my colleagues. But we are going to get this done. We can do the emergency stuff, and we can do the bigger package.

But right now everybody is trying to find a way to prevail or to claim victory or to get the PR victory, and I am not—I did not say you. I said we. And when we decide, once we make up our minds we are going to get this done, short term or long term, we are going to find a way to do it. But the fact is, as has always been the case—and it will be this time—the people who have been hurt and hit with these disasters in a variety of States are going to get the help they need.

Mr. WELLSTONE. Will the Senator yield for one final question?

Mr. LOTT. I will be glad to yield for a question from the Senator from Minnesota.

Mr. WELLSTONE. I thank the majority leader. Let me see if I understand what the majority leader said, and I think I do. I expect it to be a friendly question.

Mr. LOTT. I would not expect it to be any other way from the Senator from Minnesota.

Mr. WELLSTONE. The majority leader keeps saying he is determined to get this assistance to the people and he is determined to try and get this done this week. Have I heard that correctly?

Mr. LOTT. I would like very much to be able to do that. It is going to take more than just me though. But that is my desire.

Mr. WELLSTONE. I understand. But the reason I ask the majority leader this, since he is the majority leader, is that—and I put this in the form of a question. Is the majority leader aware—and I believe you are because I think that, agree or disagree on issues, you are very adept at sort of understanding the mood of people in Mississippi or for that matter in the country—is the majority leader aware that the people in our States are just getting sick and tired of it all and they do not understand all the debate about census and all the debate about continuing resolution and all the rest; they do not mind our having separate debate on that and they understand there are disagreements. They do not understand why we just cannot get a clean disaster relief bill to them.

Can the majority leader commit to us that that is what we will do this week, get a clean disaster relief bill that will provide the assistance to people that need it and we will get it done this week? Can the majority leader make that commitment?

Mr. LOTT. I say again I would like that to happen. I am hopeful, and I believe we can get a clean bill through this week but it will not be $8.6 billion. It would be only—the only chance we have to do that, what you are suggesting at this point, would be the truly emergency portions of the bill.

Now, we may also get an agreement on the bigger package and language that would be attached to it, but based on what I have experienced during the last 4 days, I think that is going to take a little longer.

Keep in mind now, I have not been up in Minneapolis, MN, or the delta of Mississippi and not thinking about this. I have been on the phone. I have been probing. I have suggested a variety of ways to solve these problems. I did it on Friday. I did it on Monday. I did it last night. I am trying to find a way to solve this problem, and I am open to suggestions with regard to the census language, for instance. I confess this openly here because I am not ashamed of it at all. I went to the Democratic leader, and I said I think you see what our concerns are. Is there some language that you all could live with?

This is not insignificant. When you talk about changing the way the census is done, this is not without major implications. We do have language in the Constitution with regard to the census. I talked to the Secretary of Commerce this very morning. I am not sitting over in a corner just trying to outlast you guys. I have talked to FEMA, the head of FEMA. I have talked to the Secretary of Commerce. I have talked to the Chief of Staff of the President of the United States. I have talked to the President of the United States, the Democratic leadership, the Speaker of the House.

This morning I was talking to the Secretary of Commerce. I said one of the things—or he suggested one of the things we might do would be to set up a process where there could be a quick judicial determination of this constitutional question.

That is important. And census is important for more than just how you count. It is also important from the standpoint of how many representatives a State has—very important. It also has a great impact on how you get Federal funds. I have towns in my State of Mississippi, and I know it is true in Minnesota, that because of the census count, either undercounting or not proper counting programs, that are not eligible as far as some of our Federal programs, some of the Federal grants and loans, and so this is very important for a long time.

Mr. WELLSTONE. Last question.

Mr. LOTT. Sure. I will be glad to yield further for a question.

Mr. WELLSTONE. I will not hold the floor any longer. I just want to say to the majority leader I am a little troubled by the very lengthy explanation on the census count only because again I think the question that we have put to the majority leader is why not take that issue, around which there is disagreement, and debate it separately and why not take the issue of appropriations bills and the continuing resolution and debate it separately? But that is what we do not agree on. That is controversial. We can have an honest debate. Why link it to what should be a disaster relief bill——

Mr. LOTT. I have an answer.

Mr. WELLSTONE. Providing assistance to people in our States?

Mr. LOTT. I have two answers to that question.

Mr. WELLSTONE. Does the majority leader understand that in our States——

Mr. LOTT. I have two answers.

Mr. WELLSTONE. People do not care a lot about what the majority leader is talking about; they have got a whole lot of pain they are dealing with. We want to get help to them. Can we get the commitment to get help to them?

Mr. LOTT. As a matter of fact, I have two answers. I have suggested to you today, to the leader on your side of the aisle and the Senators from North Dakota, there is a way we can get the emergency funding and do it quickly if we make up our minds and are determined to do that while we continue to work on the solutions here.

But the other point with regard to the census, the reason why I make the explanation is to show once again an abundance—we can solve this. We can solve this problem, but there is a reason why we have to do it now. The die is being cast; the Census Bureau and the Department of Commerce have indicated we are going to do this. And if we wait until October to deal with this issue, we are going to be in a position of having to reverse something that is already set in place. They are getting ready to do it. So we do not have the luxury of saying, well, we will pick up on this in July or September or October. It would be a fait accompli by then.

So that is a consideration. But we will continue to work on that, and we will find—I think we can find a way to do this this afternoon.

Does the Senator from North Dakota wish to ask another question?

Mr. DORGAN. Yes. I do not want something the Senator said a moment ago to stand here and be misinterpreted. The Senator indicated potential existed—in the past some kind of emergency provision—that it would not be $8.6 billion. I want to make clear—I assume you do not mean, as some have suggested on the other side, that, well, if we come back to disaster relief, the folks who are waiting for that relief are going to get a whole lot less relief because we are going to cut it. That has been the implication by some.

Now, we have had agreement on the disaster package in this legislation. There has been no disagreement. Republicans and Democrats have agreed. We have put it in. It is done except it has not gotten through to the President for his signature. But I assume the Senator from Mississippi supports the full complement of disaster relief that is in the bill and is not in any way saying that he would at some point revisit and diminish the amount of disaster relief in the bill. Could you clear that up?

Mr. LOTT. I am not here to negotiate the exact amount. I think we have to work with the committee.

Mr. DORGAN. That is not what I am asking.

Mr. LOTT. Well, I am trying to answer the question. I am not going to say here that it is going to be—I do not know, for instance, what the exact amount is, what the total amount is that would be alleged to, or would be needed for the disaster assistance, so how can I say what the number would finally be? But I am prepared to say this, that there is a difference between the total amount that is requested over a period of months and years for disaster and those parts of it that are urgent, that need to be addressed now, and that is the part I am really focused on. But I am not prepared to say it would be even limited just to that. I think we need to look at what is really needed right now and in the short term or in the foreseeable future and go with that number. I think we have to talk—are you on the appropriations committee?

Mr. DORGAN. Yes. I was part of the conference.

Mr. LOTT. You would certainly be involved in that process.

Mr. DORGAN. But the Senator supported, when the bill passed the Senate the Senator supported the conference report that had this package of disaster assistance in it. I just do not want someone to misinterpret—maybe I am putting words in your mouth, but I do not want someone to misinterpret when you say, well, there may not be $8.6 billion. My assumption is that you support and others in the Senate support the quantity of disaster aid that was decided upon by the conference committee. Is that not correct?

Mr. LOTT. I also supported, I believe it was about $1 billion right before the Memorial Day recess.

Mr. DORGAN. That is correct.

Mr. LOTT. And I realize the situation is different now. But I do not know, I do not know how much different it is. I have supported a lower figure. I supported a higher figure.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. LOTT. Now, look, again, this bill is $8.6 billion and it has got a lot more in it than just disaster aid. It has some disaster relief that is not emergency and not needed for months and even years.

Mr. DORGAN. If the Senator will yield for one additional question. I appreciate the majority leader's indulgence.

I am more concerned than I was before I left my chair.

My assumption has been that we negotiated a disaster relief package. It is significant. It is important. And it is vitally needed by the areas in my part of the country but many others around America as well, and I hope very much that there is no one here who seriously entertains backing away from that commitment.

In any event, one of the reasons that I ask this question is the piece that the Senator from Mississippi provided as samples of nonemergency spending in the supplemental included, for example, $694 million for the highway trust fund. And let me just describe something. Maybe the Senator does not understand this, but we have, for example, in North Dakota right now a highway called Highway 57. It is a link to the Spirit Lake Indian Nation. It is now under water, incidentally. That Indian nation is virtually isolated out there, and there are young kids who need doctors' attention and medical help who at this point have to go far around in order to get it. Their lives are at risk. Commerce stops. Emergency medical assistance is not available. And so we need to deal with these emergency road needs, for example, in Devils Lake which has been flooded every year.

Mr. LOTT. If I can respond to that, it is interesting the Senator would raise that. As a matter of fact, I believe that one of the things that will probably be indicated as urgent disaster need would be in the transportation area which is different from the $694 million that is in the bill, and let me just emphasize this. The President in that area asked I think for about $300 million, but along the way that figure grew to almost $1 billion. I have seen this figure I believe that is there, $694 million. I think that has to do with ISTEA and the allocation formula and that there is a separate emergency transportation item that we might consider. It may not be accurate, but that is the impression I have. That $694 million is for funds all over the country not related to the disaster.

Mr. DORGAN. I would say to the Senator that I have visited with the Department of Transportation Secretary and others, and they are awaiting this disaster bill in order to unlock the money necessary to deal with these critical road problems in the one area I have mentioned, which is Devils Lake, where an entire Indian tribe is isolated out there because the roads are inundated with water. But let me go back to the point I originally made today to the Senator from Mississippi.

I urge you to consider this afternoon doing the following, which would very simply and quickly unlock this issue. There are two major stumbling blocks to having the President sign this disaster bill. One is the attachment of the anti-Government-shutdown provision and the second is the census issue. Let us, as the Senator from Minnesota and others have suggested, set them aside, debate them separately. We will not stand in the way of debating and voting on those issues. And let's take the other bill that has been crafted by a bipartisan majority, Republicans and Democrats in the Senate and the House, and I was on the conference committee, let us take that to the floor, vote it out, send it, and get it

signed and get disaster relief. We could do that this afternoon.

I just don't understand why that is not possible today. Maybe the Senator from Mississippi can tell me why that is practically impossible. I would think it would be the easiest and most immediate solution to getting disaster aid to disaster victims.

Mr. LOTT. As a matter of fact, one of the things that amazes me is the President of the United States would veto a disaster bill because he doesn't want language in there that says we won't have a Government shutdown. As a matter of fact, if we can get this problem worked out now, it will avoid a problem we are surely going to have in October, where, once again, like we do almost every year, we have these fun and games where there is a threat of various departments or agencies or Government shutdowns that has been used by Democrats and Republicans—most effectively, by the Democrats. And all I am saying is, you know, we could work this out. I have suggested some language that I believe most of you could live with, and we ought to go ahead and do that and get this issue resolved and move on.

Of course, obviously, the purpose here would be to separate these things out where the President could veto them, if he wanted to, and not resolve the problem. Why move these on down the line toward another disaster—as I have already pointed out, a manmade disaster—at the end of the fiscal year?

UNANIMOUS CONSENT REQUEST

Mr. LOTT. Let me just say, in order to allow other Members to speak, would the minority leader be willing to allow us consent to provide for speeches by Senators DASCHLE, GRAMS, HUTCHINSON, DORGAN, SARBANES, BOND, WELLSTONE, NICKLES, or his designee, say for 10 minutes each, and following those statements that I be recognized?

Mr. DASCHLE. Mr. President, there are many other Senators who want to be recognized to speak, so I wouldn't want to exclude other Senators who would like very much to participate.

Mr. LOTT. I would not want to exclude them. I think this would just get an agreement that these Senators that are here, waiting for an opportunity to speak—I would like to amend that list to include the Senator from North Dakota—that we get a lineup of speakers, led off by the distinguished Democratic leader. Senator GRAMS has been waiting to speak; Senator HUTCHINSON, who is an original cosponsor of the Government shutdown prevention language, and Senator DORGAN and Senator SARBANES have been waiting. Senator BOND is here and wishes to speak on his birth defects bill. That has been blocked now. It is a bill we should be able to have some limited debate on and get agreement to move on.

Senator WELLSTONE, I am sure, would like to be recognized, Senator CONRAD and Senator NICKLES, or his designee, for 10 minutes each with their statements, and then I be recognized at end of that group.

Then, if others come in, we will get time for others to speak, too. There is no desire to cut Senators off. I am just trying to set up some regular order where I don't hog all the time and I am in a position of saying to you I will yield for a question only so I do not lose control of the floor.

Let's set up an orderly process and we all get our chance to make our speeches, make our statements, without being just a question or response to the question. Would the Senator object to that?

Mr. DASCHLE. Mr. President, I would have two concerns. One is that some Senators may wish to speak longer than 10 minutes.

Mr. LOTT. Would you like to make it 15?

Mr. DASCHLE. Second, they may wish to come back and speak again.

Mr. LOTT. We wouldn't limit that, either.

Mr. DASCHLE. I wouldn't want it to be precluded.

Mr. LOTT. I hope before the afternoon is over, we will have an opportunity to get an agreement for an extended period of time of debate which would be open, with the normal recognition of the Chair and going back and forth on both sides of the aisle, that would go on for quite some time.

Again, I want to talk to the Senator about what length of time he is talking about.

Mr. DASCHLE. Mr. President, so long as no Member is precluded a second time or speaking for a period longer than 10 minutes at a later time, and so long as no other Senator is precluded from speaking at all by this unanimous consent request—I think that is the assertion, now, of the majority leader?

Mr. LOTT. If I could suggest, again, let's start with this and then I will talk to the Democratic leader, and we will go from there. This is just to get it started.

Mr. DORGAN. I reserve the right to object, and I ask the majority leader a question. On two occasions, on the two most recent business days, we were subject to a motion to adjourn and required to vote on that, even though many of us did not feel we should adjourn. We wanted to continue to discuss this issue and attempt to see if we couldn't get the Senate to do its business and pass a clean bill providing disaster relief.

I would just like to understand what we might face later today. I certainly would object to any unanimous-consent request propounded by anyone under any circumstances unless there is some assurance we are not going to face another motion for adjournment and simply be voted down and told the disaster bill is not a subject they want us to visit about on the floor of the Senate for any extended length. Some of us feel very strongly we would like to spend some time on the Senate floor talking about the disaster relief bill and ways to solve this so we can get disaster relief to disaster victims.

So, I guess, before I would agree to a unanimous-consent request, I would like to have some understanding whether we are going to face an adjournment request later.

Mr. LOTT. Well, could I inquire if the leader would be willing to give us consent for our committees to meet, if we could go ahead and lock in a unanimous-consent agreement, or an agreement on how long you all would like to go tonight? Would the Senator like to respond to that?

Mr. DASCHLE. Mr. President, we discussed this matter in the caucus. I think it was unanimous in the caucus that committees would not meet this afternoon, because we really need to have attention focused on this issue. I am afraid I am not able to give that agreement to the majority leader.

Mr. LOTT. Mr. President, if I could say, then, I would like to—and I will talk to the Senators about how we do this—with their cooperation, and I am talking about not just committee meetings, because we will do what we need to do there. But when we begin the debate or comments other Senators are going to make, we will talk with you about how much time we think we need and how we will do that. It is my inclination today to try to get it worked out, where we could have an understanding, an understood period of time, and to not go with a motion to adjourn.

Mr. DORGAN. I wonder if the Senator would agree to the proposition that we not propose a motion to adjourn the Senate without agreement obtained with the minority leader for such a motion.

Mr. LOTT. You know, I am asking here for some process whereby the Senators from the various States would have a chance to make comments for a specified period of time. I asked for 10 minutes. Do you want me to expand that to 15?

Mr. DASCHLE. I think there are Senators who wish to speak longer than 10 minutes. Whether it is at the first opportunity or whether they have the opportunity to come back, that is a concern. But I share the concern expressed by the Senator from North Dakota.

Mr. LOTT. If I could—excuse me for interrupting you, but we are going to have an opportunity for them to speak now and speak again later. And we will have to work out the process to do that.

Mr. CONRAD. Reserving the right to object, what is the assurance that a

Senator would not be precluded from giving a second speech? Because, as the majority has outlined this proposal, as I understand it, a Senator would be able to speak 10 minutes or 15 minutes, but then would be precluded from speaking again, unless the majority leader would alter his unanimous-consent request.

Mr. LOTT. I believe if we get another consent, that that would not apply. Of course, the way the Senate works, if a Senator asks for a specified period of time to speak, that usually is acquiesced to.

Here is the alternative. If you like, I'll just keep talking here. We can go right on until some other time here in the afternoon. But I would like to have a free-flowing discussion, so I would like to do it in an orderly way.

I asked unanimous consent, and then we will get an agreement, I presume later on, that we will have an extended period of time for debate during which Senators will be able to speak for extended periods of time.

Mr. DASCHLE. Will the majority leader yield?

Mr. LOTT. I am glad to yield.

Mr. DASCHLE. Would he entertain a unanimous-consent request which would say we would not adjourn without the consent of both leaders tonight? Because I think, if that were the case, then there would be no objection on this side to working through whatever schedule may accommodate speakers on both sides.

Mr. LOTT. It is my intent, Mr. President, to work with the leader and get an agreement on what time will be needed. I would like to do that. I prefer not to move for adjournment. I think we could work that out. I am indicating to you I would like for you to be able to have that time tonight. But I have been asked for three different things to agree to. I asked for one thing in return, and that's for committees to meet. I am going to have to go through a parliamentary procedure here in order for committees to be able to meet.

Let us do this. Let us talk while others are talking and we could work this out. I think there is no question we can get that done.

Mr. President, I renew my request that the Senators that I outlined be allowed to speak for 10 minutes and that I be recognized at the end of this list, at which time, if there are other Senators who wish to speak, they will be recognized or we will work out an order so the debate can continue.

The PRESIDING OFFICER. Is there objection?

Mr. CONRAD. Reserving the right to object, Mr. Leader, I say to you I would be forced to object if there is no assurance that the rights of this Senator and other Senators will be protected. Because, as the Senator has outlined, the Senator would be able to speak perhaps 10 or 15 minutes and that's it, under this formulation.

Mr. LOTT. I am saying to the Senator from North Dakota, I would like to be able to work with him to do that. I intend to do that. We will talk and we will make that agreement. We will make it in a request at a period of time after we have had some of these speeches so we can talk.

I don't know exactly what you all are thinking about or what you want, but there is no desire to cut the Senator from North Dakota off today. I want him to be able to make his case. I am going to work with you to do that, and I think the record will show I have done that sort of thing in the past. I am telling you here, now, we are going to find a way for you to be able to make the speech you want to make. What more can you ask of me now? And then, we will talk that through while others are speaking.

Mr. CONRAD. I am constrained to object.

The PRESIDING OFFICER. Objection is heard.

UNANIMOUS-CONSENT REQUEST—COMMITTEE MEETINGS

Mr. LOTT. Mr. President, I have five unanimous consent requests for subcommittees to meet during today's session of the Senate. I ask unanimous consent these request be agreed to en bloc and that each request be printed in the RECORD.

Mr. DASCHLE. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, my consent request was for the Armed Services Committee to meet on S. 450, the Department of Defense authorization bill. They are the Subcommittees on Airland Forces, Strategic Forces, Seapower, Acquisition, and Technology. Also, for the Subcommittee on Near Eastern and South Asian Affairs and the Subcommittee on Foreign Relations to meet on some very important issues, with witnesses to be Senator LIEBERMAN of Connecticut, Mr. William J. Bennett, and Michael J. Horowitz of the Hudson Institute, Father Keith Roderick of the Coalition for the Defense of Human Rights, prepared and waiting to testify before that committee.

The second panel includes Col. Sharbel Barakat, a witness from Iran, and an anonymous witness from Pakistan.

In addition to that, we asked for the Science, Technology and Space Subcommittee, Committee of Commerce, to meet with regard to NASA's international space program, which we have been working feverishly to make work, with other countries including Russia.

Those are the committees that are prepared to meet this afternoon. They have witnesses lined up of both parties and a variety of positions. That has been objected to. I thought it was appropriate we put in the RECORD that objection is heard.

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

Mr. LOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard. The clerk will continue to call the roll.

The assistant legislative clerk continued the call of the roll.

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

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

UNANIMOUS-CONSENT REQUEST

Mr. LOTT. Mr. President, I ask unanimous consent that the next hour be equally divided between Senators LOTT and DASCHLE and, at the end of that hour, that Senator LOTT be recognized to move to adjourn.

Mr. DASCHLE. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LOTT. Mr. President, if I can inquire of the Senator from South Dakota, is it his desire that we not have any further debate at this time?

Mr. DASCHLE. Mr. President, it is the desire on the part of many of our colleagues to speak longer than the time allotted in the unanimous-consent request, and it is certainly the desire of our colleagues not to allow the Senator the opportunity to adjourn the Senate. For that reason, I am compelled to object.

Mr. LOTT addressed the Chair.

The PRESIDING OFFICER. The majority leader.

Mr. LOTT. Mr. President, we have very important committee work that needs to be done. As the Senate knows, the bulk of the work and the writing that goes on in the Senate does occur in committees at the hearings and markups. We have a very important markup now that we need to get done in the Armed Services Committee. The defense of our country is, obviously, something we want to pay very close attention to. We have less than a week in which the Armed Services Committee needs to complete its work.

I would prefer that we get an agreement that the Armed Services Committee, as is always—almost always—the case, be allowed to meet with these other committees. I understand the Senator has a problem, some objections from his conference. I also would prefer that we have an hour of debate equally

divided so that Senators who have been patiently waiting for quite some time can be heard, including Senators here now, and Senator GRAMS of Minnesota who has been waiting to be heard.

I also had hoped that we could work together and get a time worked out whereby we could have extended debate tonight. It doesn't appear that we can work that out. So, I would be prepared to proceed at this time.

Does the Senator have any other comment he would like to make before I propound a unanimous-consent request?

Mr. DASCHLE. Mr. President, the distinguished majority leader mentions the defense markup. I also remind him, as he is very aware, there is money in this supplemental for our troops in Bosnia. Time is running out there, too. There is virtually no time left for us to get the supplemental assistance to the troops in Bosnia. It sends a terrible message to them not to address this legislation more successfully than we have.

I can't think of anything more important in that regard, not only to address the disaster victims but to address the troops in Bosnia, to address all of those who are waiting for some sign that we understand how difficult their circumstances are, including people defending our country in faraway lands.

So, I am compelled to object, and I only hope that at some point in the not-too-distant future, we are going to be able to resolve this matter, because they can't wait any longer.

Mr. LOTT. Mr. President, I also had hoped that we would be able to work out an agreement where there wouldn't be objection to my motion to proceed to the Birth Defects Prevention Act—this is broadly supported legislation; I don't see how there could be objection to it—while we continue to work to find ways to move other legislation while committees are meeting.

I understand the pressure that Senators feel on both sides of the aisle on other issues, but I don't see why that should cause us to halt or prevent us from taking up a very noncontroversial, broadly bipartisan supported legislation like S. 419.

I am also hopeful that this week we could take up the adoption legislation that we have been holding in abeyance for a week. And the Senator from Ohio, Senator DEWINE, has done very good work on that and I believe is prepared to spend time on the floor when we call up that legislation. I hope it will be in the next coming days.

Let us be clear about what this legislation does, the birth defects legislation. No one in this body needs to be told that birth defects are the leading cause of infant mortality in this country. They are directly responsible for one 1 of every 5 infant deaths. Here is a chance to do something about that, not in a week, not in a month, but this afternoon with, I am sure, not very long debate but enough debate so that the issue can be properly addressed.

We have spent the last couple of hours or so talking about other issues other than this bill which we had hoped to call up and begin debating.

No one needs to be told that every year some 150,000 infants are born with a serious birth defect. Here is a chance to do something about that.

Here is a chance to foster the most effective—and, by the way, the most cost effective—ways to prevent birth defects.

We now know that folic acid vitamin supplements can prevent spina bifida. We know that programs to promote avoidance of alcohol, especially early in pregnancy, can dramatically reduce a whole range of birth defects.

We want to get that knowledge out to those who need it. Senator BOND's bill would do that through regional research programs to identify the causes of clusters of birth defects.

His bill, which, by the way, is cosponsored by more than a score of Senators on both sides of the aisle, makes the Centers for Disease Control the lead agency for surveillance of birth defects and prevention activities to reduce their incidence.

His bill proposes grants to public and nonprofit groups to foster public awareness in ways to prevent birth defects. It would also set up a National Information Clearinghouse on Birth Defects.

This legislation, to which there has been objection, is really important and is endorsed by a wide range of groups: The American Academy of Pediatrics, the American Association of Mental Retardation, the American Hospital Association, the Association of Maternal and Child Health Programs, the American Public Health Association, the Council of State and Territorial Epidemiologists, the March of Dimes, the National Association of Children's Hospitals, the National Perinatal Association, the National Easter Seal Society, and the Spina Bifida Association.

On their behalf, I again renew my concern. There has been objection to this bill. On their behalf, I ask that we confer and see if we cannot find a way to bring up this legislation, if not today, tomorrow, while we work on other solutions to other problems.

It is not a partisan issue. It is not controversial. And all that Senator BOND has sought has received support across the political lines and he has urged that we take it up this week. It would be different if it were controversial or if this were a partisan issue. But it is not. It is one that I think we certainly need to get passed. And a lot of good work has gone into it. And I will continue to ask that it be brought up this week. And I will certainly confer with the leaders on the other side of the aisle as we try to find a way to bring to the consideration of the Senate legislation that would help with this very serious and very difficult problem of birth defects.

So now I ask——

Mr. DASCHLE addressed the Chair.

Mr. LOTT. I will be glad to yield for a comment or question from the Democratic leader.

Mr. DASCHLE. As I indicated earlier, Mr. President, I am a cosponsor of this legislation. So obviously I am very supportive of it. But it should be noted this legislation has not had a hearing, it has not been marked up in the committee.

The majority leader—and it is his right to do so—is discharging the committee to bring this bill to the floor. Now, that is an abnormal procedure. That is not something we do every day. Yet the distinguished majority leader has seen fit to bring this bill to the floor without an official markup, and then to amend it with an amendment that we only saw late yesterday. And so it is really not normal legislative procedure to consider a bill of this import, even though there may not be much controversy associated with it, to discharge it, to amend it with an amendment nobody has seen, and to move in this process.

So it is not only our concern for the disaster legislation but our concern for process here that makes me skeptical about the approach the distinguished majority leader has chosen to employ in this regard. So I would hope we could work together, if we can once get this disaster bill passed, to take up the bill, but I really hope we can respect the normal order here and allow the committees to move and to consider bills and then report them out, put them on the calendar, and take them up off the calendar as we would in normal circumstances.

But I thank the majority leader for his willingness to allow me to comment on that particular bill.

I yield the floor.

Mr. LOTT. Mr. President, I would respond to that, if I could, that certainly it is again not controversial. There has been a lot of work done on it. There have been hearings on this bill. And I believe an almost identical provision, if not identical, was a part of the comprehensive health legislation that came up last year. That was a different Congress, but it is not as if it is a new idea. It has been around for awhile. And a number of Senators are very familiar with what it would do, including the Senator from South Dakota.

Mr. President, because he has been so diligent in his effort to wait to be heard, and recognizing that it does not appear we are going to be able to work out some agreement where he could make a statement, I, if I can, yield to the Senator from Minnesota for the purposes of a question so that he could

at least address a question that frames his concerns in this area.

Mr. GRAMS. Thank you very much, Mr. Leader.

I just would like to take a few moments to address a couple concerns and questions. And as I think we are all very disappointed in the fact that yesterday President Clinton vetoed the emergency aid bill which would provide $5.5 billion in disaster relief nationwide—and that comes with a major portion of those dollars directed toward rebuilding and repairing those communities that have been devastated by floods in my home State of Minnesota and, of course, the Dakotas—our legislation I think sent a very clear message that the people of Minnesota have not been forgotten by Congress at this time.

And I just really am concerned and disturbed by the fact that the President has used, as his primary excuse for vetoing the emergency flood relief bill, our inclusion of a measure that would go on to protect these very same victims this fall from what could become a manmade disaster if we do not come to some time agreement between the Congress and the President on funding legislation in the budget debates coming this fall. So for those reasons, I raised repeatedly on the floor that I believe that delivering this bill to the President is of utmost importance.

And I just ask the leader if all considerations have been made or taken into account of trying to get this issue to the President again, to have him somehow—I would like to remind my colleagues who voted for this bill a week ago, that if they say these issues are so controversial, why did they then vote and approve this bill by 67 votes, as the majority leader said, last week and move this on to the President?

So when they say that we are unbending and not willing to compromise on the issue, that it is "our way or no way," really that is what we are hearing from the other end of Pennsylvania Avenue, that if it is not the President's way, it will be no way.

Mr. LOTT. Mr. President, I will respond to the question and comments framing that question by the Senator from Minnesota. I appreciate what he has had to say. And I appreciate his interest in getting this assistance provided. He has been constructive and helpful in that he has been suggesting a variety of ways we could try to come to an agreement on how to proceed here.

He is absolutely right that, as a matter of fact, what we passed last week was a compromise. There had been funds added, language added. And, as a matter of fact, the language dealing with the Government shutdown prevention was a compromise provision. Senator MCCAIN, one of the original sponsors, along with Senator HUTCHISON, offered an amendment and actually raised the level of funding whereby the Government would continue basically at the current year level until an agreement was reached on the next year's appropriations bills.

So it was compromise language. I mean, it should not go without people's notice that it got 67 votes here in the Senate. This matter can be resolved. It can be done quickly. It could have already been dealt with if the President just signed the bill.

The President is not without tools to work with the Congress. But he must understand—and I know the American people understand—that we, as representatives of the people, have a coequal voice in this Government. We have a right to be heard. And we have a right to have very important issues that we are concerned about addressed.

So I again appreciate the Senator's patience here and his suggestions. I know he is going to continue to work with leadership on both sides of the aisle and across the Capitol where he served in trying to find an appropriate solution to this problem.

Mr. GRAMS. I thank the majority leader.

Mr. LOTT. Mr. President, I would also like to inquire of the Senator from Texas. Senator HUTCHISON, had indicated that she had hoped to be able to speak. I wonder if she has a question she would like to propound at this time because I would be able to yield to her at this time, under the rules we find ourselves confronted with, only for a question. So I ask that she frame her comments in the form of a question.

Mrs. HUTCHISON. Thank you, Mr. President.

I was really wanting to question in the arena of a timetable for kinds of disaster relief.

It was indicated by one of the Senators from North Dakota that perhaps it was all or nothing, as if the entire supplemental appropriations bill was part of an emergency disaster. And I was just going to ask the distinguished majority leader if he was not thinking that perhaps there are certainly judgment calls that we can make.

I think the majority leader is saying that if we are going to make some very slimmed down bill to provide for emergency assistance—I think the distinguished majority leader would agree with me, there is also $30 million for plane crash investigations; $6 million to the FBI to reimburse New York State, but New York State has had ongoing expenses with regard to TWA flight 800; $197 million for the National Park Service; $103 million for Fish and Wildlife; $67 million for the Forest Service; $20 million for the Bureau of Indian affairs; $585 million for the Army Corps of Engineers.

I am just wondering if the majority leader doesn't think that perhaps these are supplemental appropriations that are not of an emergency nature and that maybe Congress would be able to make a judgment call if in fact we were talking about emergency relief. Because it seems to me that some of the Senators are saying that, "Look. We want everything, but your issues aren't important. The issue of process, of not being able to shut down Government isn't important."

It may not be important to someone on the other side of the aisle, but it is very important to many people on our side of the aisle that we have a process by which we say to people, here is what you can expect. Veterans can expect to get their pension benefits on time, regardless of whether Congress and the President have not agreed on a particular appropriations bill, that Federal employees can expect to get their checks on time regardless of whether there is an agreement between the President and Congress.

So, you know, I think that there are a lot of issues. And I sincerely believe that it is important for us to set the process of how we are going to handle appropriations this year. Perhaps others do not think that is important. But to say, "You take all of our issues. Throw away all of yours. And that's the only thing that will be acceptable," seems to me to be a little unreasonable.

I just ask the majority leader if he would put all of these other supplemental appropriations in the same position as some part of the emergency bill that really is an emergency where funds really might not be available if there are funds like that?

Mr. LOTT. Mr. President, in responding to the question by the Senator from Texas, obviously I think that she is suggesting a route that is appropriate. There is a difference between a supplemental appropriations in its normal sense and a supplemental appropriations that includes some emergency provisions. Clearly, they could be separated out and moved as the Senator from Texas has suggested.

I want to commend the Senator from Texas for her work as a member of the Appropriations Committee, a member that knows what is in the bill and what is not. And I think some Senators have not had an opportunity to look at all the things that have been added in terms of language and additional spending and programs which may be worthwhile but which are much more in the supplemental range, not in the emergency range, and also could be dealt with in the regular appropriations process.

We are in the period of time now in this year when we ought to be doing our regular appropriations bills. And the need for a supplemental for many of these provisions has been long since past.

Also, I just have to say, the idea of resolving this issue about the annual

confusion at the end of the fiscal year, the threats of and in fact the shutdowns of programs or Agencies, Departments of the Government, that idea originated with the Senator from Texas and Senator MCCAIN. They are the ones who said we need to resolve this now, not October 1 or October 15 or November 1 when we are going through these fiascoes.

The suggestion was that we solve this problem now. The language that was introduced, which was subsequently compromised, by the way, to raise the funding above what the Senator from Texas wanted, originated from her.

I challenge anybody in this institution or anywhere to suggest that the Senator from Texas is not concerned about the need for the disaster assistance or the funds for the Department of Defense. She knows that this issue is important, and she also knows it can be resolved. It can be resolved quickly and it can be resolved in terms of working out language that would serve the American people well in stopping these annual Government shutdown activities.

I commend her for the work she has done, the leadership she has provided, and for the fact she continues to say we can work through this with language which may be different from what she originally started with but with language that is acceptable, or that we go with emergency language only.

I yield to the Senator from Texas for a further question.

Mrs. HUTCHISON. I appreciate the distinguished majority leader yielding to me for a question because I do have a question. I think it is not a matter even of the supplemental appropriations, that they are not worthy, but I think timing is the issue.

I just sense that all of a sudden the ground is shaking. First they said, "Just pass the clean emergency help to the victims." That was the first thing that was said. Now, then, you said, well, OK, let's talk about what is an emergency, and I am seeing all of a sudden a different argument, a different argument that says, oh, wait a minute, what do you mean, that there might be some parts of this bill that would not be part of the emergency?

In fact, there are billions in this bill that are supplemental. They are good. We hope they will pass. But they are not an emergency.

So if you are going to say that it is not important to provide for the orderly transition of fiscal years right now in the first appropriations bill that has come on the floor this year—Mr. President, I think the distinguished majority leader will agree that we have not had another appropriations bill on the floor. If we are not going to set the process right now for how we are going to handle the transition of fiscal years in an orderly and responsible way, when would we do it? Would we do it 1 month before the end of the fiscal year so people would not be able to plan, so that we would not know for sure exactly what was going to happen, so that Federal employees would not know for sure that we would not have another Government shutdown, so that veterans would not know for sure that their pension checks would be on time?

I think to say that now all of a sudden it is not just emergency relief but also everything in the supplemental appropriation which is important to many people in this body—but so is the resolution about not shutting down Government important to a number of people in this body.

I think the distinguished majority leader in good faith said, well, would you like for us to consider a pared down emergency for anything that would not be covered already under the Federal Emergency Management Agency funds which we know have at least $2 billion in the coffers right now that are going right now to the victims in North Dakota, South Dakota and Minnesota? The money is going in. There may be a few places where it is not going in, so the distinguished majority leader, as I understand it, is saying, OK, we should make a list of those where there really is an emergency, not supplemental but emergency, and would you consider working with us to pass that?

Now, all of a sudden, it seems that the argument is changing and we are saying, oh, no, we not only need the emergency appropriations that might not be covered if there are categories like that, but, in addition, we must also have all of the supplemental appropriations for the National Park Service, for the Fish and Wildlife Service, for the Forest Service, for the Bureau of Indian Affairs, for the Army Corps of Engineers, for the Postal Service fund, for the bulk cheese price survey, for the food stamp changes, for grants to local education agencies. Now, I have no doubt these are important appropriations, but are they emergency? That is the question that I ask the distinguished majority leader.

Once he said, "I am willing to talk about a pared down real emergency," all of a sudden it seems to me that now we are shifting to a different issue. We are shifting now to a whole different argument, and they are saying you have to take everything in the bill that the distinguished Senators from North Dakota want, take out everything that the distinguished Senators on this side of the aisle were hoping to get in the way of process to establish a process in the appropriations bill, the first one this year.

It is like saying we have all the cards. But that is not the way America is. We work together here. I think we have the ability to determine if there are emergencies that are not being met, and if that is the issue, then I think we would be able to solve it.

I just ask the majority leader if he believes that we have the ability to determine what is an emergency and what is a supplement.

Mr. LOTT. Mr. President, clearly, the Senator from Texas, Senator HUTCHISON, is right on this. She knows her business. She is on the Appropriations Committee.

I do not know what the exact figure is but probably of the $8.6 billion in this supplemental, well over half of it could not remotely qualify as disaster. It is probably in the range of $5 billion to $6 billion of the $8.6 that would not qualify as emergency disaster, either because it is not directly needed and/or because it could be handled through the regular appropriations bills. Clearly, a large portion of this bill would not qualify as emergency disaster. Again I do not know the exact amount. We have to hear further from the committee members, and I presume we will as the time goes forward.

Mr. DORGAN. I wonder if the Senator——

The PRESIDING OFFICER. Does the majority reader yield?

Mr. LOTT. I will yield if the Senator allows me to make a couple of points. I want to go back and reconfirm something I said a moment ago to make sure it is correct in the RECORD.

The bill that we are trying to get brought up, the birth defects bill, is not a new bill. It was one that has had a lot of work, and the substitute that we have now is going to be considered when we get permission to bring it up. There has been objection to bringing up the birth defects bill by the Democrats. It is almost identical to the language that was approved by the committee on Labor and Human Resources in 1995 and passed the full Senate in September 1996 as part of the Health Profession's Education Consolidation and Reauthorization Act, S. 555.

So the Senate is familiar with this. The Senate has worked on it. The Senate has voted on it. It is not a new issue or one that we are trying to put out without it having been considered by committee or having been considered by the full Senate in the recent past.

I want the RECORD also to reflect that I have tried to get the Democrats to agree for the Armed Services Committee to meet, and other committees, on very important issues. They have objected to bringing up the birth defects bill. They have objected to the Armed Services Committee meeting, the Foreign Relations Committee meeting, the Science Committee from meeting. I even offered an opportunity for us to divide an hour of debate time equally on both sides and to get an agreement where we could have extended debate tonight, and I suggested

even as late as midnight, 6 hours, 7 hours, whatever amount of time that might have been called for. But that was not accepted because they would not agree for the Armed Services Committee to meet and to do their markup work.

I want to say again, my Democratic colleagues have objected to bringing up the birth defects bill, they have objected to very important committees meeting with very important witnesses, and a markup of the Department of Defense. They have objected to dividing the time equally so all Senators can be heard in 10-minute segments of their own time, and they have even refused an offer that I have made for this debate to go on for an extended period of time, perhaps even as late as midnight tonight.

Now, before I make any further motion, did the Senator from North Dakota have a question he would like to ask? And I yield for the purpose of a question.

Mr. DORGAN. I do, and of course the majority leader has the power of scheduling in the U.S. Senate. The objection that we raised was an objection based on the understanding that the unanimous-consent request propounded by the majority leader was that he would remain in control at the end of the period of whether we had an opportunity to speak again and when we had an opportunity to speak again.

We have had, on two occasions now, a motion made to adjourn the Senate and a vote on that, and the majority leader has then adjourned the Senate twice last week and now apparently today, and some of us feel very strongly that we wish to continue to discuss and to push and prod to see if we cannot get a disaster bill passed without the extraneous or unrelated amendments attached to it that have caused a veto.

Now, the reason I rise to ask a question, as I listened intently to the question asked by the Senator from Texas—and she indicated to the majority leader that this was, really, the only appropriations vehicle or the first appropriations vehicle that was available for her to exercise an option to deal with the continuing resolution or Government shutdown amendment.

In fact, there is a House appropriations bill on the calendar, H.R. 581, that the Senator from Texas and others who wish to propose their amendment could offer to attach their amendment to. In addition to that, there are 13 additional appropriations bills that will follow that they can certainly attempt to attach their amendment to.

But the title of this piece of legislation is an appropriations bill making emergency supplemental appropriations for recovery from natural disaster and so on. I am assuming that those who decided to attach it to this piece of legislation did so because by its very title it is an emergency supplemental appropriations bill for recovery from natural disasters.

The Senator from Texas makes the point, as the Senator from Mississippi, there are some things in here that are not an emergency. That is a quarrel I suspect the Senator would have with the Appropriations Committee heads and others. There may well be some things in here that are not an emergency. I have no objection to taking those things and moving them aside and passing the disaster portions of this bill.

I say that it seems to me, at least viewing it, that those who have attached this amendment to this bill have done so believing that this bill is a must-pass piece of legislation because it is an emergency and, therefore, it is a way of moving their agenda along on this Government shutdown amendment. My point is there are 13 more bills. Do it on another bill. Do it on the House bill resting at the desk of the Senate, but do not do it in a way holding up disaster relief.

I am happy to propound the question. It is now 2½ weeks beyond the adjournment for the Memorial Day recess, which is the time when we should have passed this legislation, 2½ weeks beyond that, and the fact is we are now in a circumstance where it does not appear we are any closer to passing a piece of legislation that the President will be able to sign. Will the majority leader, at least from the Senate side, indicate to us that he feels that we can get this thing passed this week in a manner that allows it to be signed?

Mr. LOTT. I would be willing to work with him in that regard. I think we definitely can do it. I believe we will have some time here in a moment where maybe we can talk about that.

Here is the chairman of the Appropriations Committee. He is convening. I have seen him work miracles before, and I know he is prepared to do that again this time with the help from the Senators from North Dakota and the Senator from Texas.

Does the Senator from Oklahoma wish to ask a question with regard to the situation?

Mr. NICKLES. If I could just ask a question, because I understand our colleagues from North Dakota wish to speak on this issue. I know some colleagues on this side of the aisle would like to speak.

Correct me if I am wrong; did you not offer to allow debate on this and other issues, maybe debate as late at 12 o'clock tonight? That is almost an additional 8 hours.

Mr. LOTT. I knew it came as a shock to the Senator from Oklahoma, but he is right.

Mr. NICKLES. I did not want to stay for all of that, but I think the Senator from Mississippi, the majority leader, is being generous with time.

If our colleagues are going to object to the offer that the majority leader made, I do not think they are showing good faith, and that does not increase the likelihood of getting things done.

Now, correct me if I am wrong; I ask the majority leader this question, the majority leader asked permission for the committees to meet?

Mr. LOTT. Correct.

Mr. NICKLES. And stated his intentions to allow the Senate to be able to debate this and other issues on time equally divided; is that not correct?

Mr. LOTT. That is correct.

Mr. NICKLES. My comment would be to the majority leader that I think you are being very generous and I hope our colleagues will cooperate.

Mr. LOTT. Mr. President, I appreciate the questioning of the Senator from Oklahoma, and I say that the procedure which I am about to carry out here has been forced by the fact that we can't get consideration of the birth defect legislation, we can't get permission for key committees to meet, and we can't get a time agreement on how the debate will occur.

QUORUM CALL

Mr. LOTT. Therefore, 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, and the following Senators entered the Chamber and answered to their names:

[Quorum No. 3]

Bond	Grams	Nickles
Conrad	Hutchinson	Stevens
Coverdell	Hutchison	Thurmond
Dorgan	Inhofe	Wellstone
Gorton	Lott	

The PRESIDING OFFICER. A quorum is not present.

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Mr. President, I move that the Senate stand in adjournment, and I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the majority leader. The yeas and nays were ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Montana [Mr. BAUCUS], the Senator from Louisiana [Mr. BREAUX], the Senator from Nevada [Mr. BRYAN], the Senator from Florida [Mr. GRAHAM], the Senator from Nebraska [Mr. KERREY], the Senator from Illinois [Ms. MOSELEY-BRAUN], the Senator from New York [Mr. MOYNIHAN], and the Senator from West Virginia [Mr. ROCKEFELLER], are necessarily absent.

The result was announced—yeas 55, nays 37, as follows:

[Rollcall Vote No. 98 Leg.]

YEAS—55

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

NAYS—37

Akaka	Feinstein	Levin
Biden	Ford	Lieberman
Bingaman	Glenn	Mikulski
Boxer	Harkin	Murray
Bumpers	Hollings	Reed
Byrd	Inouye	Reid
Cleland	Johnson	Robb
Conrad	Kennedy	Sarbanes
Daschle	Kerry	Torricelli
Dodd	Kohl	Wellstone
Dorgan	Landrieu	Wyden
Durbin	Lautenberg	
Feingold	Leahy	

NOT VOTING—8

Baucus	Graham	Moynihan
Breaux	Kerrey	Rockefeller
Bryan	Moseley-Braun	

The motion was agreed to.

ADJOURNMENT UNTIL TOMORROW

The PRESIDING OFFICER. A quorum is present.

The Senate stands in adjournment until 12 noon on Wednesday.

Thereupon, the Senate, at 4:40 p.m., adjourned until Wednesday, June 11, 1997, at 12 noon.

NOMINATIONS

Executive nominations received by the Senate June 10, 1997:

DEPARTMENT OF THE INTERIOR

PATRICK A. SHEA, OF UTAH, TO BE DIRECTOR OF THE BUREAU OF LAND MANAGEMENT, VICE JIM BACA.

IN THE MARINE CORPS

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT IN THE U.S. MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, UNITED STATES CODE, SECTION 601:

To be lieutenant general

MAJ. GEN. JOHN E. RHODES, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be colonel

JOHN M. METTERLE, x...

THE FOLLOWING-NAMED OFFICER FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. MARINE CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be lieutenant colonel

JOHN J. EGAN, x...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY AND FOR REGULAR APPOINTMENT IN THE MEDICAL SERVICE CORPS, ARMY MEDICAL SPECIALIST CORPS, VETERINARY CORPS, AND ARMY NURSE CORPS (IDENTIFIED BY AN ASTERISK(*)) UNDER TITLE 10, UNITED STATES CODE, SECTION 624, 531 AND 3283:

To be major

*DOREEN M. AGIN, x...
CRAIG M. ANDERSON, x...
*JAIME B. ANDERSON, x...
*ANULI L. ANYACHEBELU, x...
*DERRICK F. ARINCORAYAN, x...
*KARYN L. ARMSTRONG, x...
KEVIN R. ARMSTRONG, x...
*MARK A. ARTURI, x...
*JOHN A. AUSTIN, x...
MICHAEL A. AVILA, x...
GILBERTO AYALA, x...
*MORGAN L. BAILEY, x...
*HOLLY S. BAKER, x...
LEWIS L. BARGER, III, x...
PATRICK C. BARRETT, x...
IDA R. BECKHAM, x...
*MARY L. BEMENT, x...
SERGIO R. BENITEZ, x...
JOSEPH P. BENTLEY, x...
*ROSANN M. BIERMAN, x...
JOSEPH M. BIRD, x...
DONNELL L. BLAKEY, x...
ANNETTE BOATWRIGHT, x...
MICHAEL A. BORDERS, x...
JONATHAN E. BRANCH, x...
*EDWARD J. BRIAND, xx...
*CHRISTINE J. BRIDWELL, x...
*DEANNA A. BROWN, x...
*CHERYL L. BROWN, x...
*SANDRA S. BRUNER, x...
MICHAEL J. BUCKELLEW, x...
GLENN M. BULLARD, x...
*PRICE V. BULLOCK, x...
WILLIAM M. BURNS, x...
*ROBERT J. BUSH, x...
LARRY D. CADE, x...
*MARTHA E. CALDWELL, x...
*WENDY R. CAMPBELL, x...
LINDA R. CARMEN, x...
SCOTT A. CARPENTER, x...
WILLIAM E. CARTER, x...
*CRYSTAL D. CHATMANBROWN, x...
*RODNEY S. CHRISTOFFER, x...
RICK F. CLABAUGH, x...
NOLAND P. CLARK, JR., x...
*PAMELA S. CLUFF, x...
*MARIE T. COCHRAN, x...
*SHARON D. COLE, x...
*LYNN C. COLLINS, x...
*CAROLYN M. COMER, x...
REYNALDO T. CORONADO, x...
*BERNARD C. COURTNEY, x...
*LINDA R. COURTICE, x...
*MELANIE J. CRAIG, x...
*MICHAEL D. CRANDELL, x...
*PATRICIA A. CRANE, x...
*BONNIE L. CRON, x...
DAVID N. CROUCH, x...
*TIMOTHY A. CUEVAS, x...
*JEFFREY N. CUNDIFF, x...
*MARY J. CUNICO, x...
*MICHAEL F. DALEY, x...
*ALLAN J. DARDEN, x...
*PATRICIA DARNAUER, x...
*RICHARD N. DAVID, x...
*CHRISTOPHER F. DAVIS, x...
*PAULA DAVISBONNER, x...
*MICHAEL P. DELANEY, x...
PATRICK N. DENMAN, x...
*ROBERT F. DETTMER, x...
*DEBORAH M. DICKSON, x...
*REBECCA L. DOUGLAS, x...
*TERENCE M. DUFFY, x...
*STEVEN M. DUNIHO, x...
DAVID K. DUNNING, x...
RONALD A. DUPERROIR, x...
PAUL H. DURAY JR., x...
ROBERT A. EATON, x...
TIMOTHY D. EDMAN, x...
*RONALD E. ELLYSON, x...
PATRICK S. FAHERTY, x...
DAVID P. FERRIS, x...
CLODETH C. FINDLAY, x...
SAUL FORD JR., x...
*GRETEL FOSTER, x...
KIRK J. FRANK, x...
*XIOMARA I. FRAY, x...
RONNY A. FRYAR, x...
LAWRENCE V. FULTON, x...
*DOROTHY F. GALBERTH, x...
JOHN M. GARRITY, x...
*STEVEN M. GERARDI, x...
*PETER GEREPKA, x...
MARK A. GIFFORD, x...
ROBERT V. GLISSON, x...
ARDIE R. GODBEE, x...
SUSAN D. GOODWIN, x...
*CHRISTOPHER D. GRAHAM, x...
*SANDRA A. GREIDER, x...
ROBERT J. GRIFFITH, x...
*PAULINE V. GROSS, x...
*ARLIN C. GUESS, x...
STEVEN D. HALE, x...
*ROBERT B. HALLIDAY, x...
*STEPHEN K. HALL, x...
LANETTE R. HAMILTON, x...
*JOHN K. HARMER, x...
*JEFFERY L. HARRE, x...
ANTHONY D. HAWKINS, x...
HARRY M. HAYS, x...
GARY A. HAZLETT, x...
DAVID G. HEATH, x...
MICHAEL S. HEIMALL, x...
MICHAEL E. HERSHMAN, x...
PHILLIP L. HOCKINGS, x...
*YOSHIO G. HOKAMA, x...
TIMOTHY N. HOLT, x...
*THOMAS E. HONADEL, x...
*DENISE L. HOPKINS, x...
*ROBIN G. HOUSTON, x...
*THOMASINE S. HOWARD, x...
RONALD D. HOWES, x...
LORI A. HULL, x...
*MELINDA L. JACKSON, x...
SCOTT K. JACOBSEN, x...
*RICHARDSON D. JAMES, x...
*TERI M. JEFFERSON, x...
*WANDA D. JENKINS, x...
ROBERT B. JIMENEZ, x...
JENNIFER L. JOHNSON, x...
*TODD O. JOHNSON, x...
NANCY L. JONES, x...
*SHEILA Y. JONES, x...
*DAVID C. JOSS, x...
STEPHAN KASER, x...
*VIVIAN A. KELLEY, x...
*BRYAN K. KETZENBERGER, x...
KYUNG M. KIM, x...
JEFFERY S. KING, x...
*ERIC R. KOCH, x...
RION D. KOON, x...
*PETER A. KUBAS, x...
BRIAN J. KUETER, x...
*KIMBERLY J. KURTZ, x...
*MARTIN M. LAGODNA, x...
*RONALD L. LANDERS, x...
ANDREW J. LANKOWICZ, x...
*KAREECE L. LARRY, x...
DAVID A. LATCH, x...
DENNIS P. LEMASTER, x...
*PAUL C. LEWIS, x...
DODOO J. LINDSAY, x...
TIMOTHY L. LOBNER, x...
*ALICE D. LUBBERS, x...
LORENZO F. LUCKIE, x...
DONALD O. LUNDY, x...
TIMOTHY P. LYONS, x...
*MARK A. MALZAHN, x...
*KELLY A. MANN, x...
*JANICE E. MANO, x...
GERARD MARTELLY, x...
MARY R. MARTIN, x...
*ROBIN L. MARTIN, x...
*MICHAEL E. MARTINE, x...
*LAWRENCE N. MASULLO, x...
*NOEL L. MATHIS, x...
*RANDY D. MCDONALD, x...
RICHARD E. MEANEY, JR., x...
*LISETTE P. MELTON, x...
*MARGARET E. MERCER, x...
CHARLES B. MILLARD, x...
WILLIAM B. MILLER, x...
KATHLEEN MILLER, x...
*MICHAEL J. MONEY, x...
JOSEPH C. MORGAN, x...
ROSALYN A. MORRIS, x...
PHILIP M. MURRAY, x...
MICHAEL T. NEARY, x...
*RENEE L. NELSON, x...
*JANICE F. NICKIEGREEN, x...
MONICA L. OGUINN, x...
JOHN M. OLSON, x...
*JOAN M. ONEAL, x...
CLAUDIA M. OQUINN, x...
ALEX G. ORNSTEIN, x...
DONNA L. PAGANO, x...
MELISSA A. PALIANI, x...
THOMAS E. PAUL, x...
*JOSEPH M. PAULINO, x...
MIA S. PELL, x...
JEFFREY E. PETERS, x...
*LISA A. PETTY, x...
*ANGELA J. POWELL, x...
CHARLES M. PRICE, x...
*ROBERT C. PUGH, x...
SCOTT J. PUTZIER, x...
*WILLIAM L. RANDALL, x...
*FREDERICK M. RICE, x...
PAUL R. RIVERA, x...
DAVID W. ROBERTS, x...
*ETHEL L. ROBERSON, x...
*NANCY D. ROBLESSTOKES, x...
JOHN P. ROGERS, x...
STEVEN D. ROTH, x...
*MICHELE D. ROUNDS, x...
STEVEN T. RUMBAUGH, x...
*MICHAEL D. SADLER, x...
*WENDY A. SAWYER, x...
*KEVIN J. SCHALLER, x...
WILLIAM F. SCHIEK, x...
*BRUCE H. SCHMIDT, x...
*BRYAN D. SCHMIDT, x...
*DEBORAH J. SELBER, x...
*MARY K. SELMAN, x...
VAN SHERWOOD, x...
*CATHERINE M. SHUTAK, x...
NASIR SIDDIQUE, x...
THOMAS C. SLADE, x...
ROBERT D. SLOUGH, x...

PETER H. SMART, x...
*KIMBERLY A. SMITH, x...
STEPHEN D. SOBCZAK, x...
JOHN SPAIN, x...
THADDEUS T. SPENCER, x...
*BELINDA L. SPENCER, x...
ELIZABETH J. STEAD, x...
*MICHAEL M. STEELE, x...
*PAUL D. STONEMAN, x...
*CHRISTOPH R. STOUDER, x...
*MICHAEL E. STREETER, x...
*LOIS C. STUBBS, x...
JENNIFER R. STYLES, x...
STEPHEN G. SUTTLES, x...
*MARK L. SWOPE, x...
CARMINE F. TAGLIERI, x...
*ROLAND B. TALLEY, x...
*RONNIE H. TALLEY, x...
CASMERE H. TAYLOR, x...
*PATRICIA E. TERRY, x...
JOHN V. TEYHEN III, x...
*CHERYL L. THIESCHAFER, x...
CLARENCE D. THOMAS, x...
GWENDOLYN H. THOMPSON, x...
KIMBERLY A. THOMPSON, x...
RICHARD E. THORP, x...
*REVA THOROUGHMAN, x...
JOHN P. URIARTE, x...
*ELIZABETH A. VANE, x...
DORRIS L. VARNADO, x...
*EDNA L. VELAZQUEZ, x...
THOMAS L. WAGNER, x...
*JOY A. WALKER, x...
*DALE G. WALLIS, x...
*CHARLES K. WALTERS, x...
SCOTT L. WARNER, x...
*BARRY D. WHITESIDE, x...
*KAREN M. WHITMAN, x...
*CARON T. WILBUR, x...
*STEPHANIE C. WILCHER, x...
ANDREW C. WILKINSON, x...
*JOSEPH G. WILLIAMSON, x...
SHARON W. WILLIAMS, x...
DAVID W. WILSON, x...
*BONNITA D. WILSON, x...
*JENNIFER L. WOLENSKI, x...
EDWARD L. WOODY, x...
*CHERYL YATES, x...
DIANE M. ZIERHOFFER, x...
*DONALD G. ZUGNER, x...

IN THE ARMY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. ARMY IN THE MEDICAL CORPS OR DENTAL CORPS UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be major

BRET T. ACKERMANN, x...
LAN L. ADAMS, x...
PETER J. AHN, x...
ANTHONY W. ALLEN, x...
SUZANNE AMIDON-MAGRO, x...
HENGAMEH ANARAKI, x...
LISA M. ANDERSON, x...
JENNIFER M. ARO, x...
TERRY L. BAGLEY, x...
BRUCE K. BAKER, x...
LUIS BALBUENA, JR., x...
KRISTEN C. BARNER, x...
ROSS BARNER, x...
KEITH J. BAUGH, x...
DEBORAH A. BAUMANN, x...
HOWELL I. BEARD, x...
SARAH W. BECHTA, x...
PHILLIP J. BECKER, x...
BRUCE C. BEGIA, x...
MICHAEL J. BEHNEN, x...
MELINDA L. BEHRENS, x...
CLYDE H. BELGRAVE, x...
JAMES S. BEMBRY, x...
PATRICK J. BENNETT, x...
LOUIS W. BENTON, x...
BERNARD M. BETTENCOURT, x...
CLINTON S. BEVERLY, x...
WILLIAM D. BOAM, x...
ROBERT A. BOMBARD, x...
WARREN K. BONNEY, x...
SETH A. BORQUAYE, x...
MARY J. BORSES, x...
JOSEPH M. BOURDON, x...
FRED H. BRENNAN, JR., x...
CHRISTOPHER M. BRIAN, x...
ROBERT S. BRIDWELL, x...
MICHAEL B. BROOKS, x...
ROSS A. BRUNETTI, x...
BART J. BRUNS, x...
CARL L. BUISING, x...
NORI P. BUISING, x...
RICHARD C. BUTLER, x...
THOMAS R. BYRNES, JR., x...
REX B. CABALTICA, x...
CHRISTOPHER L. CAGGIANO, x...
EARL J. CAMPBELL, x...
CHRISTOPHER P. CANNON, x...
SANDRA L. CARTER, x...
RICHARD L. CATALAN, x...
JEFFREY G. CHAFFIN, x...
JOSEPH J. CHANG, x...
AMY P. CHEN, x...
CATHERINE W. CHEUNG, x...
MICHAEL K. CHINN, x...
FRANCIS M. CHIRICOSTA, x...
MICHAEL J. CHRIST, x...
ANDREW D. CHUNG, x...
MATHEW H. CHUNG, x...
CYNTHIA L. CLAGETT, x...
KATHRYN L. CLARK, x...
NANCY J. CLAY, x...
TERESA A. COLEMAN, x...
TIMOTHY J. COLLINS, x...
WILLIAM C. CONNER, x...
PAUL M. CONSLATO, x...
SHARON S. CONSLATO, x...
PATRICK J. CONTINO, x...
MARICELA CONTRERAS, x...
VENNIS D. COSBY, x...
JOHN W. COURSEY, x...
MARK H. CROLEY, x...
CHRISTOPHER L. CROWDUS, x...
WILLIAM J. CRUSE, x...
MARY B. CRUSER, x...
VICTOR J. DADDIO, x...
LEONARD E. DEAL, x...
DAVID A. DEAN, x...
JOSEPH S. DEGAETANO, x...
JOSE C. DEHOYOS, x...
GEORGIA G. DELACRUZ, x...
LEMWEL G. DELGRA, x...
MARY-ELIZABETH G. DELMONTE, x...
STEPHEN M. DENTLER, x...
THEODORE S. DERSE, x...
KIMBERLY A. DEVER, x...
DIANE DEVITA, x...
KEVIN D. DEWEBER, x...
PHILIP A. DINAUER, x...
MARIE A. DOMINGUEZ, x...
KEVIN M. DOYLE, x...
MICHAEL E. DOYLE, x...
SMITH C. DRIVDAHL, x...
DANIEL L. DROTTS, x...
MARTIN S. DUBRAVEC, x...
CHRISTOPHER J. DUGGINS, x...
NORMAN M. DY, x...
JOHN M. EDAVETTAL, x...
CHARLES C. EGBERT, x...
JULIUS R. ELLIS, x...
ETHAN E. EMMONS, x...
WILLIAM B. EVANS, x...
CRAIG M. EYMAN, x...
JOHN J. FAILLACE, x...
ANITA M. FAST, x...
JEFFREY A. FAULKNER, x...
CYDNEY L. FENTON, x...
GREG E. FIHN, x...
ROBERT L. FLEMING, x...
JORGE E. FOIANINI, x...
DIMITRY A. FOMIN, x...
MICHAEL G. FOX, x...
GREGORY J. FRANE, x...
JOHN T. FRIEDLAND, x...
MICHAEL S. FRIEDMAN, x...
ROBERT A. FROLICHSTEIN, x...
MARK M. FUKUDA, x...
WAYNE A. FULLER, x...
FRANK J. GAFFNEY, x...
MARYANNE GAFFNEY, x...
ALFREDO GARCIA, x...
JON A. GARRAMONE, x...
BYRON D. GATLIN, x...
STEPHEN L. GEORGE, x...
BRUCE N. GIBBON, x...
MARK C. GIBBONS, x...
JOHN F. GILLMAN, x...
MATTHEW D. GILMAN, x...
RONALD P. GIOMETTI, JR. x...
PAULINO E. GOCO, x...
PAUL E. GOURLEY, x...
BLAKE D. GRAHAM, x...
SHAWN P. GRANGER, x...
ROBERT J. GRAY, x...
DAVID R. GREATOREX, x...
STEVEN M. GROSSO, x...
PETER H. GUEVARA, x...
IV T. GUY, x...
MICHAEL K. HALLIDAY, x...
SCOTT R. HAMBLIN, x...
THOMAS J. HAMMER, x...
VINCENT M. HAN, x...
MICHAEL T. HANDRIGAN, x...
ANDREW C. HANNAPEL, x...
DOUGLAS M. HARPER, x...
JEFFERY K. HARPSTRITE, x...
BRIAN K. HARRIS, x...
DONNA M. HARRISON, x...
TIMOTHY P. HART, x...
ERIC I. HASSID, x...
SUSAN L. HAWN, x...
WILLIAM B. HENGHOLD I x...
MICHAEL D. HERNDON, x...
ROBERT W. HEROLD, x...
ANTHONY D. HIRTZ, x...
ANA C. HODGES, x...
KIM C. HOELDTKE, x...
JOSEPH R. HOFFMAN, x...
RANDALL G. HOFFMAN, x...
JEFFREY A. HOOKE, x...
MATTHEW P. HORTON, x...
JOHN D. HORWHAT, x...
JAMES W. HOWARD, x...
JAMES M. HOWELL III x...
THOMAS G. HUGHES, x...
KIMBERLY J. HUMULOCK, x...
JOHN P. HUSAK, x...
ALLEN T. JACKSON, x...
STEPHEN C. JACOB, x...
LUKE S. JANOWIAK, x...
MATTHEW B. JENNINGS, x...
NIEL A. JOHNSON, x...
SCOTT J. JOHNSON, x...
DEREK J. JUE, x...
ANDREW D. JUNG, x...
SCOTT M. KAMBISS, x...
STEVEN F. KATOR, x...
GEORGE C. KEOUGH, x...
LEO W. KESTING, x...
BETTY S. KIM, x...
HOON KIM, x...
TIMOTHY L. KINZIE, x...
MICHAEL E. KIRK, x...
JORGE O. KLAJNBART, x...
ROBERT P. KNETSCHE, x...
SARAH R. KOHN, x...
DAVID E. KOON, JR., x...
RAYMOND, KOSTROMIN, x...
ANDREW G. KOWAL, x...
MICHELLE B. KRAVITZ, x...
PAUL J. KUZMA, x...
MICHAEL D. KWAN, x...
DANIEL E. LAEUPPLE, x...
RAMACHANDRA J. LAHORI, x...
EDWARD E. LANCASTER, x...
JONATHAN E. LANE, x...
DEBORAH S. LASLEY, x...
ROBERT K. LATHER, x...
REYNOLDS C. LAVIERI, x...
RICHARD A. LAWS, x...
JEFFREY A. LAWSON, x...
GREGORY Y. LEE, x...
KENNETH D. LEE, x...
PAUL J. LEE, x...
STEPHEN C. LEE, x...
SUNMEE LEE, x...
MARK W. LEFLER, x...
JONATHAN G. LEONG, x...
BRET N. LESUEUR, x...
RORY H. LEWIS, x...
JOHN A. LINFOOT, JR. x...
BRET W. LOGAN, x...
STEPHEN J. LOOS, x...
KERN S. LOW, x...
ROBERT H. LUTZ, x...
ARTHUR G. LYONS, x...
STEVEN A. MAGOLINE, x...
DAVID V. MALAVE, x...
JANICE Y. MALDONADO, x...
MARCOS E. MALDONADO, x...
KENDELL L. MANN, x...
TIMOTHY J. MANOWN, x...
BARRY D. MARTIN, x...
MATTHEW M. MCCAMBRIDGE, x...
RICHARD B. MCCLAIN, x...
ROBERT C. MCCLELLAND, x...
ROBERT T. MCCLELLAND, x...
CRAIG E. MCCOY, x...
DAVID E. MCCUNE, x...
LUISA G. MCELROY, x...
MARK A. MCGRAIL, x...
TIMOTHY P. MCHENRY, x...
JOHN G. MCMANUS, JR. x...
KATHLEEN MCNALLY, x...
AMANDA M. MCSWEENEY, x...
RAMON E. MELENDEZ, x...
BARBARA A. MELENDEZ, x...
ALICIA R. MERCER, x...
GLEN J. MESAROS, x...
CHRISTINE M. METZ, x...
SCOTT J. MEYER, x...
RICHARD J. MILES, x...
JOHN S. MILIZIANO, x...
GEORGE M. MILLER, JR. x...
KEITH C. MILLER, x...
MICHAEL A. MILLER, x...
MATTHEW B. MILLS, x...
GREGORY T. MILROY, x...
AUDREY D. MITCHELL, x...
KATHERINE M. MIZELLE, x...
MICHAEL C. MOORE, x...
RALPH D. MOZINGO, x...
KELLY A. MURRAY, x...
ANNE L. NACLERIO, x...
GRANT K. NAKASHIMA, x...
JOHN E. NEEDHAM, x...
EDWARD A. NELSON, x...
MARK L. NELSON, x...
JOHN C. NICKELL, x...
TODD E. NIELSEN, x...
JOEL B. NILSSON, x...
SUSAN NOE, x...
SHON P. NOLIN, x...
KEVIN C. OCONNOR, x...
DAVID P. ODONNELL, x...
ROBERT G. OLDROYD, x...
HOLLY L. OLSON, x...
ERIC J. ORMSETH, x...
KEVIN J. OSHEA, x...
NICOLE M. OWENS, x...
HYEKYUNG H. PAE, x...
GEN B. PAEK, x...
JOHN M. PALMER, x...
SANDRO B. PARISI, x...
RICHARD T. PASSEY, x...
JOHN F. PAYNE, x...
BRAD A. PENDELL, x...
DAVID C. PETERS, x...
JONATHAN B. PETERSON, x...

STEFAN M. PETTINE, x...
MARK E. POLHEMUS, x...
JEFFERY S. PORTER, x...
JOHN R. PRAHINSKI, x...
XIOMARA I. PUCKERIN, x...
JOHN S. PUJALS, x...
BRET K. PURCELL, x...
JAMES E. RAGAN, x...
DANIEL C. RANDALL, x...
THOMAS F. RAPACKI, x...
ELIZABETH M. RAQUET, x...
REX A. RAWLS, x...
MARK T. REED, x...
MARK L. REEDER, x...
DANA K. RENTA, x...
MATTHEW S. RETTKE, x...
LISVETTE RIVERAMALAVE, x...
MICHAEL L. ROBERTS, x...
JUSTIN D. ROBY, x...
WILBER R. ROESE, x...
MARYJO K. ROHRER, x...
DANIEL S. ROY, x...
DANIEL G. RUDOLPH, x...
ROBERT S. RUDOLPHI, x...
JEFFREY S. SAENGER, x...
STEWART M. SAMUEL, x...
HELEN K. SAVA, x...
TIMOTHY E. SAWYER, x...
MICHAEL J. SCHIFANO, x...
THOMAS K. SCHREIBER, x...
RANDY C. SEXTON, x...
RICHARD P. SHEA, JR., x...
JOLENE SHUMAN, x...
STEVEN D. SIDES, x...
DAVID A. SIEGEL, x...
MARSHAL A. SILVERMAN, x...
DANIEL E. SIMPSON, x...
MICHAEL H. SMYTH, x...
APRIL M. SNYDER, x...
JACK J. SOBRIN, x...
DOUGLAS R. SOMMERS, x...
DOUGLAS M. SORENSON, x...
JEFFREY R. SPINA, x...
DAVID R. STANLEY, x...
BENJAMIN W. STARNES, x...
EUGENE E. STEC, x...
ROBERT C. STELZLE, x...
JOHN C. STITT, x...
ROBERT D. STOFFEY, x...
KELLY A. STUART, x...
JEREMIAH STUBBS, x...
ALICE M. STUTZMAN, x...
RICHARD D. STUTZMAN, x...
STEPHEN A. SUK, x...
JAY SYNN, x...
SHRIKANT K. TAMHANE, x...
PAUL A. TAPIA, JR., x...
ALFRED J. TERP, x...
GREGORY P. THIBAULT, x...
JAMES S. THOMPSON, x...
JENNIFER C. THOMPSON, x...
STACY L. THORNTON, x...
NATHAN TILLOTSON, x...
MICHAEL L. TITZER, x...
ALFREDO B. TIU, x...
JEANNE K. TOFFERI, x...
GLORIA T. TORRES, x...
CHRISTOPHER D. TUMPKIN, x...
JAMES TURONIS, x...
ERWINA Q. UNGOS, x...
IRA D. URETZKY, x...
PETER M. VANDERMEID, x...
JON K. VANVALKENBURG, x...
MARGARET A. VIZGIRDA, x...
ANDREW A. VORIES, x...
JAMES S. WADDING, x...
CHRISTOPHER G. WALSH, x...
OTIS S. WARR IV, x...
JAMIE K. WASELENKO, x...
JOEL C. WEBB, x...
ROBERT L. WEEKS, x...
TRACEY E. WEIR, x...
CHRISTOPHER T. WELSCH, x...
DAVID J. WILKIE, x...
NEAL W. WILKINSON, x...
BEN D. WILLIAMS, x...
BRADFORD J. WILLIAMS, x...
CLARK H. WILLIS, x...
JEFFREY J. WILLIS, x...
CHRISTOPHER J. WILSON, x...
WILLIAM T. WINSLOW, x...
CLAGETT A. WOLFE, JR., x...
PETER W. WONG, x...
FRANKLIN H. WOOD, x...
JOSEPH C. WOOD, x...
VIRGINIA D. YATES, x...
LISA L. YEARWOOD, x...
CAROL R. YOUNG, JR., x...
JOAN H. ZELLER, x...

HOUSE OF REPRESENTATIVES—*Tuesday, June 10, 1997*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore [Mr. YOUNG of Florida].

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 10, 1997.

I hereby designate the Honorable C.W. BILL YOUNG to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 21, 1997, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member except the majority and minority leader limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Puerto Rico [Mr. ROMERO-BARCELÓ] for 5 minutes.

COLONIAL RELATIONSHIP WITH PUERTO RICO IS UNSUSTAINABLE

Mr. ROMERO-BARCELÓ. Mr. Speaker, as Puerto Rico's sole Representative in the U.S. Congress, I rise today in strong support of H.R. 856, the United States Puerto Rico Status Act.

Already 856 is a truly historic piece of legislation that will allow the 3.8 million U.S. citizens' residing in Puerto Rico to exercise their inalienable right to self-determination and to resolve once and for all their 100-year-old colonial dilemma.

In order to understand the magnitude of this very important issue, we have to put matters in historical perspective. Puerto Rico became a territory of the United States in 1898 pursuant to the Treaty of Paris following the Spanish-American War. U.S. citizenship was extended to Puerto Ricans in 1917 under the Jones Act.

Then, in 1950, the U.S. Congress passed the Puerto Rico Federal Relations Act which authorized Puerto Rico to establish a local self-government in the image of State governments. The intent was to create a provisional form of local self-rule until the status issue could be resolved. Puerto Rico would remain an unincorporated territory of the United States subject to the authority and plenary powers of Congress under the territorial clause of the Constitution.

Puerto Rico and the United States are immersed in a colonial relationship that clearly contradicts the most basic tenets of democracy. One in which Puerto Rico's economic, social and political affairs are, to a large degree, controlled and influenced by a government over which we exercise no control and in which we do not participate fully. A relationship that, ironic as it may seem, will not even allow me to vote in favor of this historic bill on final passage when it reaches the floor, although I represent 3.8 million citizens residing in Puerto Rico.

Fellow Members, this relationship is no longer in the best interests of the Nation and the constituents that we represent here in Congress, and it certainly and clearly is not in the best interests of the 3.8 million citizens of Puerto Rico.

Congress not only has the power but also the moral obligation to put an end to the disenfranchisement of the 3.8 million U.S. citizens residing in Puerto Rico. H.R. 856, with its broad bipartisan support of nearly 90 cosponsors, including the gentleman from Georgia, Speaker NEWT GINGRICH, and the gentleman from Missouri Mr. GEPHARDT, clearly evidences that this is not a Republican or a Democratic issue. This is not a liberal or a conservative issue. This is not a majority or minority issue. The issue here is whether the United States, as a nation and as an example and inspiration of democracy throughout the world, can continue to deny equality and maintain 3.8 million of its own citizens disenfranchised.

After 100 years, our Nation has finally begun to recognize that its colonial relationship with Puerto Rico is unsustainable. On June 6, 1997, the Washington Post published an editorial entitled "An Obligation of Equality" that evidences the growing concern nationwide regarding the disenfranchisement of the U.S. citizens of Puerto Rico.

In addressing Congress' long overdue role in this issue, the editorial mentioned a referendum next year giving the territory's nearly 4 million residents a once and for all choice over its relationship with the United States. The key moment came a few weeks ago when the House Committee on Resources approved 44 to 1 a bill from the gentleman from Alaska, DON YOUNG, chairman of the committee, allowing Puerto Ricans to decide the future of their island. The old question is being brought to a new boil by the approach of the centennial of the Spanish-American War.

The gentleman from Alaska said in May when his bill was passed in the committee:

> It is time for Congress to permit democracy to fully develop in Puerto Rico, either as a separate sovereign republic or as a State, if a majority of the people are no longer content to continue the existing commonwealth structure for local self-government.

Its supporters tried hard in committee to sweeten the defense of commonwealth that would be put to referendum. For now, anyway, the island's statehood party is on a roll.

For Americans, but wait a minute. Puerto Ricans are already Americans. The issue for all of us is that they are citizens without political rights, including a vote in Congress. This is the anomaly the proposed referendum system proposed to remedy. Whatever the Puerto Rican choice, we continental Americans have an obligation of equality to our fellow citizens on the island.

And that is the end of testimony from an editorial in the Washington Post.

H.R. 856 is the most comprehensive measure affecting self-determination of a U.S. territory since the Alaska and Hawaii Admission Acts of the late 1950's.

I cannot emphasize the importance of this bill not only for the 3.8 million U.S. citizens of Puerto Rico but for the Nation as a whole. The time has come to empower the people by giving them clear choices which they understand and which are truly decolonizing so we can reveal the people of Puerto Rico's true desire through a legitimate act of self-determination.

Let us comply with the call history is making upon us. Let us give our fellow citizens an opportunity in the name of freedom.

Mr. Speaker, I include for the RECORD the editorial from the Washington Post to which I referred.

[From the Washington Post, June 6, 1997]

AN OBLIGATION OF EQUALITY

Americans don't have long to get accustomed to the possibility that they may soon be considering admitting Puerto Rico as the 51st state. This outcome arises from the fact that, largely unattended, Congress is heading toward organizing a referendum next year giving the territory's nearly 4 million residents a "once and for all" choice of its

relationship to the United States. The key moment came a few week ago, when the House Resources Committee approved 44 to 1 a bill from Chairman Don Young (R-Alaska) allowing Puerto Ricans to decide the future of their island. This old question is being brought to a new boil by the approach of the centennial of the Spanish-American War, in which the United States acquired bits of global empire. To many people, 100 years of American sovereignty over a territory denied full rights is enough.

The proposed referendum offers voters a choice among statehood, independence and the existing "commonwealth." Commonwealth, however, enters the contest under a double burden. It has been tried over the decades and found wanting by many, and it is now widely seen as anachronistically "colonial," even though it was a status voluntarily chosen and repeatedly affirmed. Chairman Young said in May, when his bill was passed in committee: "It is time for Congress to permit democracy to fully develop in Puerto Rico, either as a separate sovereign republic or as a state if a majority of the people are no longer content to continue the existing commonwealth structure for local self-government." Its supporters tried hard in committee to sweeten the definition of commonwealth that would be put to referendum. They failed. For now, anyway, the island's statehood party is on a roll.

For Puerto Ricans, the status question bears deeply on identity as well as practical benefit. Closely related is the issue of language; the committee declared that English—a minority language in Puerto Rico—shall apply "to the same extent as Federal law requires throughout the United States." Tough issues of taxes and benefits must also be calculated.

For Americans. . . . But wait a minute. Puerto Ricans are already Americans. The issue for all of us is that they are citizens without full political rights, including a vote in Congress. This is the anomaly the proposed referendum is meant to remedy. Whatever the Puerto Rican choice, we continental Americans have an obligation to equality to our fellow citizens on the island.

FLAG BURNING AMENDMENT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Texas [Mr. PAUL] is recognized during morning hour debates for 5 minutes.

Mr. PAUL. Mr. Speaker, the Congress will soon vote on a flag burning amendment to the Constitution. This issue arouses great emotions, even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It is a nonissue, but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously the Doctrine of Enumerated Powers, property rights, political propaganda from a government-run educational system, taxpayers' paid-for NEA sacrilege, licensing of all broadcast networks, or taxpayers' financing of monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world and the entire welfare state.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the malcontents are legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future and we respond by creating the underwear police. Surely flag underwear will be deemed a desecration.

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress' basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism, even if it does undermine freedom of expression and property ownership.

Desecration is defined as: "To divest of a sacred character or office, commit sacrilege or blasphemy or to deconsecrate." If consecrate is "to make sacred; such as a church or bread or wine", how can we deconsecrate something not first consecrated? Who then consecrated the flag? When was it done?

"Sacred" beliefs are those reserved for a religious or Godly nature, "To set apart for the worship of a deity. To make holy." Does this amendment mean we now concede the flag is a religious symbol? Will this amendment, if passed, essentially deify the State?

There are some, I am sure, who would like to equate the State with God. The State's assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the State as our God? We imply by this amendment that the State is elevated to a religion, a dangerous notion and one the founders feared. Calling flag burning blasphemous is something we should do with great caution.

Will it not be ironic if the flag is made sacred and we write laws against its desecration at the same time we continue to steal taxpayers' money to fund the National Endowment for the Arts, which truly desecrates Christ and all of Christianity in the name of free speech?

The flag, indeed, is a loved patriotic symbol of American pride and freedom. Many of us, I for 5 years, served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff: liberty. The whole notion of legislating against desecration is vague and undefinable. Burning can be easily identified, but should it not matter who paid for the flag? And are there no owners of the particular flag involved? Are all flags to be communal property?

If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership, how can one buy or sell a flag? Should it not be a concern as to where the flag is burned and on whose property? With this legislation, the flag will lose its identity as property and become a holy government symbol not to be desecrated. These are difficult questions but they must be answered.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist views, was the purpose of guaranteeing freedom of expression? Of what value is protection of only popular and majority-approved opinions? That is a mockery of liberty. Soviet citizens had that much freedom. Remember, dissidents who burned the Soviet flag were shot.

A national flag police can only exist in a totalitarian state. We should have none of it. Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant.

INTRODUCTION

The Congress will soon vote on a flag burning amendment to the Constitution. This issue arouses great emotions even without any evidence flag burning is a problem. When was the last time we heard of a significant incident involving flag burning? It's a nonissue but Congress has managed to make it one while avoiding the serious matters of life, liberty, and property.

There just is no flag desecration crisis. Where are the demonstrators, where are the letters? Will this only lead to more discredit on Congress? Only 6 percent of the American people trust anything they hear from the Federal Government so why should they believe there is a flag crisis requiring an adjustment to the Bill of Rights for the first time in our history. Since most of what Congress does, leads to unintended consequences, why do we feel compelled to solve imaginary problems?

The American people are way ahead of the U.S. Congress and their distrust is a healthy sign the Republic will survive in spite of all our good deeds and noble gestures. And that's good.

What sense of insecurity requires such a public display to reassure ourselves we are patriots of the highest caliber, confident enough to take on the flag burning movement—a movement yet to raise its ugly head. Our political saviors will have us believe that our loyalty to America hinges on this lone amendment to the Constitution.

As Congress makes plans to attack the flag enemies, it stubbornly refuses to consider seriously: the Doctrine of Enumerated Powers, property rights, political propaganda from a government run educational system, taxpayer's paid-for NEA sacrilege, licensing of all broadcast networks, or taxpayer's financing of monopolistic political parties, let alone the budget, the debt, the deficit, honest money, policing the world, and the entire welfare state.

Pervasive bureaucratic government is all around us and now we're spending time on developing the next addition to the Federal police force—the flag police. Diverting attention away from real problems toward a pseudoproblem is not a new technique of politicians.

MOTIVATION

Political grandstanding is probably the greatest motivation behind this movement to change the Constitution. It's thought to be easy to embarrass those who, on principle, believe and interpret the first amendment differently. Those who vote eagerly for this amendment do it with good intentions as they laugh at the difficult position in which opponents find themselves.

Will the country actually be improved with this amendment? Will true patriotism thus thrive as the malcontents are legislated into submission? Do we improve the character of angry people because we threaten them with a prison cell, better occupied by a rapist?

This whole process fails to address the anger that prompts such misguided behavior as flag burning. We have a government growing by leaps and bounds, our citizens are fearful of the future, and we respond by creating the underwear police—surely, flag underwear will be deemed a desecration.

Why is dealing with a symptom of anger and frustration by suppressing free expression a moral good?

The best I can tell is legislative proposals like this come from Congress' basic assumption that it can legislate economic equality and mold personal behavior. The reasoning goes; if Congress thinks it can achieve these goals, why not legislate respect and patriotism even if it does undermine freedom of expression and property ownership?

DESECRATION

Desecration is defined as: "To divest of a sacred character or office, commit sacrilege or blasphemy or de-(con)secrate." If consecrate is "to make sacred; such as a church or bread and wine," how can we "de-consecrate" something not first "consecrated?" Who then consecrated the flag? When was it done? "Sacred beliefs are those reserved for a religious or Godly nature, i.e., to set apart for the worship of a deity. To make holy." Does this amendment mean we now concede the flag is a religious symbol? Will this amendment if passed essentially deify the state?

There are some, I'm sure, who would like to equate the state with God. The state's assumption of parental rights is already a deep concern to many Americans. Will this encourage more people to accept the state as our God? We imply by this amendment that the state is elevated to a religion—a dangerous notion and one the Founders feared. Calling flag burning blasphemous is something we should do with great caution.

Won't it be ironic if the flag is made sacred—consecrated—and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which truly desecrates Christ and all of Christianity in the name of free speech? I must repeat this question: Won't it be ironic if the flag is made sacred and we write laws against its desecration at the same time we continue to steal taxpayer's money to fund the National Endowment for the Arts which desecrates Christ and all of Christianity in the name of free speech?

The flag indeed is a loved patriotic symbol of American pride and freedom. Many of us, I for 5 years, have served our country in the military fighting for the principles of liberty, but not for the physical cloth of which the flag is woven.

There is confusion between the popular symbol and the real stuff, and in the process of protecting our symbols we are about to undermine the real stuff—liberty. The whole notion of legislating against desecration is vague and undefinable. Burning can be easily identified but shouldn't it matter who paid for the flag? Are there no owners of the particular flag involved? Are all flags to be communal property? If we pretend flags are universally owned, that means we can use them randomly. If there is no individual ownership how can one sell or buy a flag? Should it not be a concern as to where the flag is burned and on whose property? With this legislation the flag will lose its identity as property and become a holy government symbol not to be desecrated? These are difficult questions but they must be answered.

Will using a flag as underwear or as a beach towel or a handkerchief or flying it upside down become a Federal crime?

The American Legion and the Veterans of Foreign Wars burn flags to dispose of them. This respectful ritual is distinguished from a hoodlum doing it only by the intent. Are we wise enough to define and legislate intent under all circumstances? Intent obviously implies an expression of a view. So Congress now feels compelled to police intentions, especially if seen as unpopular.

Whatever happened to the notion that freedom to express unpopular, even obnoxious views, including Marxist ideas was the purpose of guaranteeing freedom of expression. Of what value is protection of only popular and majority-approved opinions? that's a mockery of liberty. Soviet citizens had that much freedom. Remember, dissidents who burned the Soviet flag were shot. A national flag police can only exist in a totalitarian state. We should have none of it.

Why not police the burning of the Constitution, the Declaration of Independence, the Emancipation Proclamation? These acts, expressing a radical fringe view, would be as equally repugnant, and a case could be made they might be even more threatening because their attack would be precise and aimed at the heart of American liberty. The answer is the political mileage is with the flag and tough luck to those who have principled opposition.

But no one should ever squirm or weasel out of the right vote, even if threatened with possible negative political fallout.

FEDERAL AVIATION ADMINISTRATION IS AGENCY IN DISARRAY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. MICA] is recognized during morning hour debates for 5 minutes.

Mr. MICA. Mr. Speaker, I am deeply concerned that the Federal Aviation Administration is an agency in disarray, at best. In fact, at worst, it is an unpiloted craft without any direction.

The primary mission of the Federal Aviation Administration is to ensure airplane and passenger safety and security. Last year, after the explosion of TWA flight 800, FAA tightened security at all U.S. airports.

Airports spent hundreds of millions of taxpayer dollars to change parking and cars were towed when vehicles were left unattended. Some of the harassment of the traveling public became, in fact, absurd. Finally, after assurances that no immediate terrorist attack was underway, FAA allowed our airports and the traveling public some more reasonable approaches to airport parking and passenger access.

Now, months after nearly all evidence points to a mechanical failure as the cause of TWA flight 800, FAA continues to harass the American traveling public with several dumb and totally unproductive procedures. Regulations still require that passengers are asked these questions: First, "Have you packed your own luggage or bag?"; and second, "Has your baggage or luggage been in your possession at all times?"

Now, I ask what flaky half-baked terrorist or terrorist accomplice would answer these questions legitimately? Should a passenger honestly confess to this interrogation, they should be cautioned because they will be searched, harassed, and subject to Gestapo-like interrogation.

Mr. Speaker, the loss of life as a result of domestic air terrorism does not even rank as a cause of airline fatalities, yet FAA spends untold resources enforcing, fining, and monitoring this outdated requirement. All this is done in spite of the fact that TWA flight 800 exploded due to a mechanical failure.

□ 1045

In addition to asking the unproductive questions I mentioned, ticket agents must see a photo ID. I submit that not since the fall of the former Soviet Union have American domestic airline passengers or any passengers been subject to similar photo ID requirements.

Now, showing your photo ID at the ticket counter sure does a lot of good. Any fool could check in at a ticket counter, pass their ticket on to another passenger, who would then board the airplane. Now, if the passenger was required to show a ticket, a name, and photo ID as you boarded the airplane

with your ticket coupon, that might match the passengers with the ID's that they present. Here again, FAA makes airlines and passengers jump through useless and needless hoops. Agents and airlines are fined if they fail to comply.

My response when I wrote the FAA, when I questioned and protested these ridiculous regulations, are actually dumber than the requirements FAA has mandated. Why not dedicate FAA personnel, energy, and funding for really improving airline safety and security? We know the causes of almost every fatal domestic airline crash with certainty except for several cases, and the FAA knows them.

One is a problem with 737's. These models carry a tremendous number of passengers. And there are two airline crashes, one in Pittsburgh and the other United, in Colorado, crashes because of problems with their rudders and their stabilization. FAA should be paying attention to this problem. Even in spite of Vice President GORE's announcement in 1996, simulation training and retrofitting of 737's could be expedited rather than taking 2 years as now planned. Further research and resources could be devoted to finding the mechanical problems that downed TWA flight 800 and killed 229 people.

After 10 years, FAA has blown billions of dollars and still failed to upgrade our outdated 1950's air traffic controller system. And after numerous fatal crashes of imported commuter planes, FAA has still not begun to crack down on these imported aircraft. Let us put the emphasis where it should be. Let us get FAA together.

THINGS ARE NOT QUIET ON THE SOUTHERN FRONT

The SPEAKER pro tempore [Mr. YOUNG of Florida]. Under the Speaker's announced policy of January 21, 1997, the gentleman from Florida [Mr. GOSS] is recognized during morning hour debates for 5 minutes.

Mr. GOSS. Mr. Speaker, is all quiet on the southern front? No, not really. Despite the resounding silence from the press and the White House on the current situation in our neighboring country Haiti, things are far from quiet. In fact, things are so bad that the prime minister quit yesterday.

Over the past few weeks, we know Haitians have rioted in the streets of Port-Au-Prince and other towns. Incidents of assaults, rock throwing, and general lawlessness have resulted in death, injury and damage. Yesterday, as I said, things took a turn even for the worse when Prime Minister Rosny Smarth submitted his citing, in fact, the recent fraudulent elections.

Obviously, this is bad for democracy because at this time it appears that only one major party is participating in the elections, and that is not exactly democratic, but it is also bad for reform in Haiti, because with Prime Minister Rosny Smarth leaving, so goes one of the few champions of the tough but necessary economic program that we had envisioned for Haiti. Economic reform is all but a thing of the past in Haiti anyway, and without economic reform there is absolutely no hope for a Democratic future in Haiti.

So through all of this upheaval, one interesting and frankly disturbing fact seems to have surfaced, and that is the fact that the Haitian National Police have had to be supplemented with our military personnel to deal with basic law and order issues in that country. As one diplomat quoted in a wire report recently, "It is clear the military presence in Haiti is not just building roads." Our "road builders," including Special Forces, have been seen responding to the riots carrying on, doing the law and order business, extensive activity in the areas of drug control, those types of things.

Not only do these reports suggest that our troops on the ground are outside of the range of the mission we understood them to be on, which was road building, but it also suggests that our soldiers are at more risk than we have been led to believe. I think it is time for a little candor from the White House about what is going on.

We asked the White House, what is going on? So far we have not heard anything. Official silence reigns as well on the topic of Haiti's recent disappointing local assembly and Senate elections, which is the real reason behind the Smarth resignation and what should have been the starting point for the creation of a new judicial system and permanent electoral council forum in Haiti, which are mightily needed. Because without a judicial system, there is no hope for democracy in Haiti either.

Because the electoral council has decided not to handle blank ballots properly, they have wrongly allowed some candidates, like the infamous Fourel Celestin, to get past the finish line when according to the law they did not win the election. So we now have people who did not win serving as senators in Haiti.

Action on this issue is pending in the Parliament, but the Haitian electoral council is pushing forward for another round of elections, no matter what, this coming weekend. The fact is that each successive election in Haiti has disenfranchised and disenchanted ever more of the Haitians voters, a point illustrated well in the single digit turnout in the last election in April, which, as I say, were fraudulent elections. Yet, I understand less than 10 percent of the people turned out to protest that fact.

What, we ask, will another election under a still darker black cloud do to advance democracy in Haiti? At the very least, the American taxpayers have a right to hear from the administration that enough is enough and that their tax dollars will not go to assist the Haitians to run another questionable if not fraudulent election this weekend.

Mr. Speaker, all is not quiet on the southern front. We know that. What we do not know is when the White House is going to tell us what is going on, when our troops are coming home, and whether or not that will be before the ruinous Haiti policy that the White House has put forth puts us back where we started more than 4 years and 3 billion of the U.S. taxpayers' dollars ago, sadly enough, with thousands of Haitians now today who believe that a dangerous trip across the windward passage to Florida offers them more hope than staying in Haiti.

Is that a policy that we want to back? Certainly not. I think it is time for the White House to give us some explanation and to end the silence of what is really going on in that tragic country where our friendly neighbors are suffering. All is not quiet on the southern front.

DETROIT RED WINGS—STANLEY CUP CHAMPIONS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Michigan [Mr. KNOLLENBERG] is recognized during morning hour debates for 5 minutes.

Mr. KNOLLENBERG. Mr. Speaker, at this very hour, thousands of Detroiters are lining the streets of Woodward Avenue in Detroit to honor their Detroit Red Wings, the 1997 Stanley Cup champions. After Saturday's 2 to 1 victory over the Philadelphia Flyers, the Red Wings completed a 4 to 0 sweep to win hockey's hallowed crown, Lord Stanley's Cup, the World champions of hockey.

I was privileged to be at Joe Louis Arena on Saturday evening, and the atmosphere throughout the evening was electric. After the final horn sounded securing the cup victory, the standing room only crowd and fans everywhere rejoiced. There was no other picture that captured the victory better than Red Wing Captain Steve Yzerman circling the ice, holding the massive trophy over his head, sharing the victory with the screaming fans who have waited 42 years for this glorious moment.

The town, Detroit, the community, the State, were starved for a hockey title. They got it Saturday night. The most successful U.S.-based NHL franchise in history had not sipped from the cup since 1955. And after great seasons in 1994, 1995, and 1996. All ended in disappointing playoff defeats, the Wings fought off the demons and the naysayers skating into hockey lore

with Red Wing legends like Gordie Howe, Terry Sawchuck, Ted Lindsey, and many others.

Mr. Speaker, I came to Detroit in the late 1950's, when the Red Wings were a dynasty and hockey was the local religion shared by everyone. They won four Stanley Cup crowns during the 1950's and the expectations were always great. This team and its fans have endured good times and bad times. For years in the mid 1980's, when the Wings were the worst in the league and, in fact, in one season won only 17 games, to the disappointment of the 1995 finals, all that will be swept away today with the parade of victory.

So congratulations go to Scotty Bowman, the coach, to Mike Illitch and Jimmy Devallano for putting this team together. Congratulations, obviously, to Steve Yzerman, the captain, to the MVP Mike Vernon, to Brendan Shanahan, to the Russian five, and to all members of this great club for laboring through the tough times. And congratulations also to the Red Wings fans who stood behind their team through it all. Together, we have finally done it.

With an international flare, unlike many other teams, the Wings have Americans, Canadians, European, and Russian players. Detroit, with all of this group, has finally returned to hockey's ultimate peak. With the 42-year climb filled with pitfalls and setbacks, now it is finally over. It is time for this team and our fans to enjoy the view, the Stanley Cup. But only for the summer. Next season starts in September, and the Red Wings are for real. Mr. Speaker, it is not called Hockey Town USA for nothing.

HOMELESS VETERANS ASSISTANCE ACT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 21, 1997, the gentleman from Washington [Mr. METCALF] is recognized during morning hour debates for 1 minute.

Mr. METCALF. Mr. Speaker, I am proud to announce that today I, along with the gentleman from Arizona, BOB STUMP, have introduced H.R. 1754, the Robert Stodola Homeless Veterans Assistance Act. The plight of our Nation's homeless has caught the attention of Congress, and many programs are available to help move these people back into society.

Sadly, though, one of the largest elements of the homeless population, roughly one-third, are short changed each year. These are our country's homeless veterans. For many years, the veterans' share of Federal dollars targeted at our homeless population has been in the single digits. This legislation would ensure a fair share for our veterans, requiring that at least 20 percent of these Federal dollars be spent on programs that primarily benefit homeless veterans.

Mr. Speaker, this legislation is endorsed by the Vietnam Veterans of America, the American Legion, the Non-Commissioned Officers Association of the United States, and the Blind Veterans Association. I would ask my colleagues to cosponsor and support this legislation.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12 of rule I, the Chair declares the House in recess until 12 noon today.

Accordingly (at 10 o'clock and 58 minutes a.m.), the House stood in recess until 12 noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 12 noon.

PRAYER

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

We are grateful, O God, that You point us to a world of justice and You give us a vision of communities where people are treated with respect and mercy. We are also aware that You have created us with minds with which to think, hearts with which to care, and hands with which to work. So remind us, O gracious God, that supplied with Your revelation of the goals of life, we would earnestly use the abilities that You have given us so we are good stewards of the resources of our land and faithful custodians of the responsibilities before us. In Your name, we pray. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Ohio [Mr. TRAFICANT] come forward and lead the House in the Pledge of Allegiance.

Mr. TRAFICANT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker signed the following enrolled bill on Friday, June 6, 1997:

H.R. 1469, an act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

POLITICS AHEAD OF PEOPLE

(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, in January of this year northern Nevada was ravaged by torrential rainstorms and devastating floods. In response to this and other natural disasters, the House and Senate passed legislation providing vital disaster recovery aid, including over 25 million for Nevada alone.

But Mr. Speaker, President Clinton vetoed this legislation yesterday. Why? Because it contains bipartisan provisions that will keep Government from shutting down as it did in 1995. Unfortunately, the President has put politics ahead of people. I am extremely disappointed, Mr. Speaker, that the President has mistakenly chosen partisan politics in a time of such obvious and genuine need for the people of Nevada and the rest of America.

I urge my colleagues to quickly override this veto.

PERSONAL INFORMATION PRIVACY ACT

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

Mr. KLECZKA. Mr. Speaker, last week the gentleman from New Jersey [Mr. FRANKS] and I introduced H.R. 1813, the Personal Information Privacy Act, a bipartisan bill to safeguard individual privacy. This legislation is a companion to the Feinstein-Grassley bill, S. 600. The Kleczka-Franks bill will prevent credit bureaus, Departments of Motor Vehicles and other commercial users, including those using the Internet, from giving out Social Security numbers and other personal information.

A Social Security number alone gives a criminal access to one's medical, financial, credit, and educational records, as many of my constituents have found out the hard way. Thousands of people are victimized every year by identity fraud. In the first 6 months of this fiscal year, the Social Security Administration logged almost 4,900 allegations of Social Security number fraud. That is up from about 2,400 in the entire fiscal year 1996.

I urge my colleagues to sign on as cosponsors of the Personal Information Privacy Act. We owe it to the citizens of this country to protect them from

one of the fastest growing crimes in the country.

PRESIDENT CLINTON PUTS POLITICS OVER PEOPLE ON FLOOD RELIEF LEGISLATION

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

Mr. CHABOT. Mr. Speaker, yesterday President Clinton sent a callous message to the flood-ravaged American families in the Midwest. Only minutes after receiving the disaster relief bill from Capitol Hill, the President who likes to say that he feels our pain told thousands of flood victims that he was going to veto the bill that would help them rebuild their homes and get on with their lives.

Why did President Clinton veto the legislation? Because the bill contained a provision that would stop him from forcing another Government shutdown. Let me repeat that. The President is withholding aid to thousands of flood victims so that he can reserve the right to once again put thousands and thousands of government employees out of work and bring the work of the Federal Government to a halt.

Despite the fact that the President is a master at spin, Mr. Speaker, I do not think he is going to be able to spin this one much. The American people are going to see through this. It is politics at its worst. Let us get the disaster relief to the people who truly need it.

THE ECONOMY

(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, if this economy is so great, why are American workers losing their jobs? If this economy is so great, why are American workers going bankrupt in record numbers? If that is not enough to massage your Dow Jones, check this out: If this economy is so great, why do many families need three jobs just to pay their bills?

Let us tell it like it is: When you hold this economy to your nosey, this economy does not smell so rosy. If there is any consolation to the American workers, I never heard of anyone in America committing suicide by jumping out of a basement window.

I yield back all the propaganda on this great economy.

UNDER THE HEADING: WHERE ARE THEY NOW?

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

Mr. GOSS. Mr. Speaker, since I spoke about Haiti at morning business early today, I have seen still more evidence to suggest that there is a de facto strong man regime being run in Haiti by former President Aristide, one that functions contrary to and does damage to the embryonic democratic process the United States is supporting there with so many United States tax dollars and so much of our credibility.

International observers and Haitian political parties alike say that the April 6 elections were fraudulent. They were rigged in favor of Aristide, a man who today is sabotaging the economic reform process that is so desperately needed in Haiti, the poorest nation in this hemisphere. Worse still is the fact that all the candidates who are not of Aristide's Famille Lavalas Party are boycotting this Sunday's elections because they are based on a flawed process, as well.

Mr. Speaker, I ask, where are those colleagues today, those champions of Aristide who rallied at the White House to support him when he was President-in-exile? Will they be around to support democracy in Haiti, which is what this is about, rather than restoring a strong man?

IN FAVOR OF A CLEAN SPENDING BILL

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the Republicans must stop playing politics with the lives of the flood victims of North Dakota and Minnesota. Pass a bill that is disaster relief, plain and simple. Amendments that have nothing to do with disaster relief have no place in a bill designed to bring relief to people in dire need.

Mr. Speaker, I represent a district of hard-working people who live nearly 2,000 miles from the Dakotas, people who now must deal with the so-called immigrant and welfare reforms. My constituents are filled with compassion for those struggling to fulfill the American dream. Their hearts and minds go out to those in need in the Dakotas and Minnesota.

My constituents are outraged that the Republican Party would play politics with people so desperately in need. Shame on them. Pass a clean bill and leave the politics at home.

CONGRATULATING THE LOUISIANA STATE UNIVERSITY MEN'S BASEBALL AND WOMEN'S TRACK AND FIELD TEAMS FOR WINNING NATIONAL CHAMPIONSHIPS

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

Mr. McCRERY. Mr. Speaker, across our Nation this past weekend millions of Americans took part in the weekly ritual of opening their Sunday morning newspaper. For many folks, they first turn to the sports page to get scores or reports on their favorite teams.

But this past Sunday Louisianans did not need to check the papers. In their homes Saturday they had gathered with purple- and gold-clad friends to watch the LSU Tigers win the College World Series for the second consecutive year and for the fourth time in the 1990's. Along the way, LSU rewrote the record books, hitting more home runs than any other college team in history.

Meanwhile the LSU women's track and field team accomplished what many said could not be done, clinching an 11th consecutive national championship. The championship for the Lady Tigers continued the longest active streak of national championships by any men's or women's program in Division I sports.

If you opened the Sunday paper here in our Nation's Capital this last weekend, there was an entire page with stories about the two championships for LSU. Hard work by athletes and coaches on both LSU teams has produced collegiate sports dynasties and has instilled pride in the hearts of Tiger alumni across America. I join the citizens of Louisiana in saying congratulations and thank you to Coach Skip Bertman and his LSU men's baseball team and to Coach Pat Henry and the women's track and field team. Keep going, Tigers.

H.R. 1822, THE STATE INFRASTRUCTURE BANKS FOR SCHOOLS ACT OF 1997

(Mrs. TAUSCHER asked and was given permission to address the House for 1 minute.)

Mrs. TAUSCHER. Mr. Speaker, last week I introduced House Resolution 1822, the State Infrastructure Banks for Schools Act, along with 31 Members from both parties. This is a cost-effective approach to help schools prepare our kids for the 21st century workplace.

We are all familiar with the estimated $112 billion tax dollar price tag to improve school infrastructure. But we now know that a direct correlation exists between the condition of school facilities and the students' achievement. That is right, our kids' grades are affected by the condition of their schools. It is difficult to learn when the roof is leaking or blackouts occur if too many computers are turned on.

H.R. 1822 addresses these problems by funding State Infrastructure Banks, or SIBS, for school construction. These banks provide maximum flexibility in financing and minimal restrictions regarding project approval. As loans are repaid, banks could provide assistance to projects in other schools. Although this is an innovative approach, similar programs have been used for Clean

Water Act infrastructure, making improvements more affordable and widely available.

Mr. Speaker, we need to educate our kids in a stable and supportive environment. I urge my colleagues to cosponsor H.R. 1822.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1559

Mrs. EMERSON. Mr. Speaker, I ask unanimous consent to remove my name as a cosponsor from H.R. 1559.

The SPEAKER pro tempore (Mr. CALVERT). Is there objection to the request of the gentlewoman from Missouri?

There was no objection.

THE 1997 BUDGET

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

Mr. BOB SCHAFFER of Colorado. Mr. Speaker, for 40 years Congress was in the hands of liberal Democrats who succeeded brilliantly in accomplishing two things. First, they made absolutely sure that, come rain or shine, Government would keep getting bigger and bigger year after year. Second, they made absolutely sure that, come rain or shine, Government would take more and more of your money year after year.

For the great middle class, playing by the rules and paying taxes, big government liberalism soon became the No. 1 obstacle standing in the way of their hopes and dreams. It is time for change. It is hard to save for your future when Government pursues policies that punish saving. It is hard to pass on the family farm or the family business to your children when the Government hits you with a death tax that the children are unable to pay.

□ 1215

It is hard to believe in the American dream anymore when the Government leaves future generations a legacy of more debt and higher taxes.

Fortunately, Mr. Speaker, the 1997 budget finally puts an end to 40 years of expanding Government and endless taxation. This Congress should stand squarely behind the balanced budget.

THE AMERICAN PUBLIC OVERWHELMINGLY OPPOSED TO MFN

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

Mr. WOLF. Mr. Speaker, I rise today to encourage all Members of this body to read the poll in today's Wall Street Journal.

By an overwhelming margin, 67 percent of Americans polled by NBC News and the Wall Street Journal said that the United States should demand improvements in China's human rights if China wants to continue its current trading status of MFN; 67 percent.

Among men, the percentage who favor human rights improvement before MFN was renewed was 63 percent. Among women, the percentage was a staggering 70 percent. And I say regarding my side, we are concerned about the gender gap. If we want to see a gender gap, 70 percent of the American women favor linking trade and MFN.

No matter whether we break it down according to party affiliation, income, or age, the results are still the same: 60 to 70 percent favor demanding improvements in China's human rights record before renewing MFN. Republicans polled, 61 percent; Democrats, 73 percent. Of those earning $50,000 or more, 63 percent favor human rights; 76 percent of those earning less than $20,000 favored human rights improvements.

The American people want the Congress to send a message about human rights. They want to send a message about the Catholic priests, the Protestant pastors, the Buddhist monks, and the Muslims being persecuted. I urge this Congress to send a message to the Chinese people. Vote to deny MFN.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. CALVERT). 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 been concluded on all motions to suspend the rules but not before 2 p.m. today.

EXTENDING DEADLINE FOR AUSABLE HYDROELECTRIC PROJECT IN NEW YORK

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 848) to extend the deadline under the Federal Power Act applicable to the construction of the AuSable hydroelectric project in New York, and for other purposes.

The Clerk read as follows:

H.R. 848

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

SECTION 1. EXTENSION OF DEADLINE.

(a) PROJECT NUMBERED 10836.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to the Federal Energy Regulatory Commission project numbered 10836-000NY, the Commission shall, at the request of the licensee for the project, and after reasonable notice, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence the construction of the project, under the extension described in subsection (b), for not more than 3 consecutive 2-year periods.

(b) EFFECTIVE DATE.—This subsection shall take effect on the date of the expiration of the extension of the period required for commencement of construction of the project described in subsection (a) that the Commission issued, prior to the date of enactment of this Act, under section 13 of the Federal Power Act (16 U.S.C. 806).

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado [Mr. DAN SCHAEFER] and the gentleman from Texas [Mr. HALL] each will control 20 minutes.

The Chair recognizes the gentleman from Colorado [Mr. DAN SCHAEFER].

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, under section 13 of the Federal Power Act, project construction must begin within 4 years of issuance of a license. If construction has not begun by that time, the Federal Energy Regulatory Commission cannot extend the deadline and must terminate that license.

H.R. 848 and H.R. 1184 provide for extensions for the construction deadline if the sponsor pursues the commencement of construction in good faith and with due diligence. H.R. 1217 provides additional time to complete construction of a project.

These types of bills have not been controversial in the past. The bills do not change the license requirements in any way and do not change environmental standards but merely extend construction deadlines. There is a time in which we have to act, since construction deadlines for one project expired in February and the others expire in the coming months. If Congress does not act, the FERC will terminate the licenses, the project sponsors will lose millions of dollars that they have invested in these projects, and communities will lose the prospect of significant job creation and added revenues.

I should also note that the bills incorporate the views of the Federal Energy Regulatory Commission. The Energy and Power Subcommittee solicited the views of FERC, and the agency does not oppose any of the three bills we have up today.

I would like to briefly describe the first of the bills, H.R. 848. It is a bill to

extend the deadline for commencement of construction of a hydroelectric project in the State of New York. The AuSable project is very important to the village of Keeseville. The Prescott Mill hydropower project was the symbolic heart of the community and the major employee in Keeseville from 1832 until the 1960's. The demise of Prescott Mill in the 1960's caused economic hardship in the village that can be felt today.

Redevelopment of the project will provide a badly needed boost to an area that is going through some very hard times. Jobs are important everywhere, we all know that, but especially in Keeseville, whose unemployment is nearly 18 percent. The Prescott Mill project would permit the village to attract more businesses, provide 35 temporary jobs during construction and 75 permanent jobs. There is extensive support in the village of Keeseville for this particular project.

There is a need to act on H.R. 848 in a timely manner, since the construction deadline expired last February.

Mr. Speaker, I ask that Members support H.R. 848 for the people in Keeseville, NY.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as the gentleman from Colorado has pointed out, H.R. 848 would authorize FERC to extend the deadline for commencement of construction of the 800-kilowatt AuSable project to be located in New York.

Mr. Speaker, FERC of course has the authority to extend the initial deadline but for no longer than 2 years. If additional time is needed, Congress can enact legislation to extend that deadline.

I think I should also point out that it is not without warranted reason that these hydroelectric projects are in need of license extensions. In the case of the project in New York, it is very difficult to find a sponsor to secure financing until it has a power sales contract in hand. Generally a licensee cannot secure a contract until it has been granted a license. These circumstances make it critical for a construction license to be granted.

There is no one opposed to it. It is an easy bill with no objection from FERC. I strongly urge my colleagues to join me in voting "yes" on H.R. 848.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 848.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 848, the bill just passed.

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

There was no objection.

EXTENDING DEADLINE FOR BEAR CREEK HYDROELECTRIC PROJECT IN WASHINGTON

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1184) to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in the State of Washington, and for other purposes, as amended.

The Clerk read as follows:

H.R. 1184

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

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 10371, the Commission may, upon the request of the project licensee, in accordance with the good faith, due diligence, and public interest requirements of that section and the Commission's procedures under that section, extend the time period during which the licensee is required to commence construction of the project for not more than 3 consecutive 2-year periods.

(b) APPLICABILITY.—The extension under subsection (a) shall take effect for the project upon the expiration of the extension, issued by the Commission under section 13 of the Federal Power Act (16 U.S.C. 806), of the period required for commencement of construction of the project.

(c) REINSTATEMENT OF EXPIRED LICENSE.—If the license for the project referred to in subsection (a) has expired prior to the date of enactment of this Act, the Commission shall reinstate the license effective as of the date of its expiration and extend the time required for commencement of construction of the project as provided in subsection (a) for not more than 3 consecutive 2-year periods, the first of which shall commence on the date of such expiration.

SEC. 2. REENACTMENT OF SENTENCE IN SECTION 6.

Section 6 of the Federal Power Act (16 U.S.C. 799) is amended by adding the following sentence (deleted by section 108(a) of the General Accounting Office Act of 1996 (Public Law 104-316)) at the end thereof: "Licenses may be revoked only for the reasons and in the manner prescribed under the provisions of this Act, and may be altered or surrendered only upon mutual agreement between the licensee and the Commission after thirty days' public notice.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER and the gentleman from Texas, Mr. HALL each will control 20 minutes.

The Chair recognizes the gentleman from Colorado, Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 1184, as amended, authorizes the Federal Energy Regulatory Commission to extend the deadline for commencement of construction of the Bear Creek hydroelectric project in the State of Washington.

The reason for this legislation is the same as with other hydroelectric license extension bills. The onset of intense competition in the electric industry is driving utilities to lower their costs and avoid making long-term commitments. As hydroelectric projects are typically financed through long-term power sales contracts, it has been difficult for many project developers to secure financing to construct licensed projects.

There is a need to act on this legislation in a very timely manner, since the construction deadline expired on December 9, 1997. I should note that H.R. 1184 does not ease the environmental requirements of the license but merely extends the construction deadline.

H.R. 1184, as amended, also would restore a sentence in the Federal Power Act that was erroneously deleted by the General Accounting Office Act of 1996. In the last Congress, both the National Defense Authorization Act and the General Accounting Office Act provided for the deletion of the last sentence of section 6 of the Federal Power Act. The intent of both laws was to strike a requirement that the FERC would file all issued hydropower licenses with the General Accounting Office.

However, since the National Defense Authorization Act was enacted first, the General Accounting Office Act erroneously deleted the next-to-last sentence of section 6 of the Federal Power Act which addressed the authority of FERC to revoke hydropower licenses. H.R. 1184 would restore this sentence to the Federal Power Act.

The Federal Energy Regulatory Commission has no objection to this particular legislation and I urge the support of 1184, as amended.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1184, introduced by my colleague, the gentleman from Washington [Mr. METCALF]. The bill allows

the Federal Energy Regulatory Commission to extend the deadline under the Federal Power Act for the construction of the Bear Creek hydroelectric project in Washington State.

I have had the pleasure of working with the gentleman from Washington, a noted author and a very respected Member of this Congress. I have sat in on many financial meetings with him and have the highest regard for him. He has done a good job on H.R. 1184. It allows FERC simply to extend the commencement of construction for the project for not more than three consecutive 2-year periods.

This extension bill faces no opposition. In keeping with the practice of granting license extensions, H.R. 1184 is a noncontroversial, easy yes vote, and I strongly urge my colleagues to vote in favor of H.R. 1184.

Mr. Speaker, finally, I wish to thank the gentleman from Colorado, and I certainly want to thank the gentleman from Washington for bringing this important legislation to the floor.

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

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield such time as he may consume to the gentleman from Washington [Mr. METCALF].

Mr. METCALF. Mr. Speaker, I would like to take this opportunity to thank the chairman, the gentleman from Virginia, Mr. BLILEY, and the subcommittee chairman, the gentleman from Colorado, Mr. DAN SCHAEFER, for considering the next two bills, H.R. 1184 and H.R. 1217, and I appreciate their willingness to work with me on renewing these projects. These are important projects to my district.

The project is located in Skagit County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has operated from 1906 to 1969 when it ceased operation. FERC issued a construction license in 1993 which will expire December 10, 1997. This bill will extend the deadline for the commencement of construction for three, 2-year periods. Such an extension is common on projects where construction has been delayed due to factors outside of the licensee's control. For example, to date, construction has not commenced because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition such that no power sales contract can be executed.

The legislation provides for up to three consecutive, 2-year extensions, instead of a 6-year extension, to assure that the licensee must continue to meet the section 13 requirement that it prosecute each 2-year extension. If FERC determines the licensee is not acting in good faith, it is expected that FERC will refuse to grant a request for an extension for an additional 2-year extension.

This project has received no challenges and has been determined environmentally sound and nonthreatening by all applicable local, State, and Federal agencies. The Bear Creek facility is located entirely on private property.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 1184, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and insert extraneous material on H.R. 1184, the bill just passed.

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

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 1559

Mrs. LINDA SMITH of Washington. Mr. Speaker, I request my name be removed as cosponsor of H.R. 1559.

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

There was no objection.

EXTENDING DEADLINE FOR HYDROELECTRIC PROJECT IN WASHINGTON STATE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1217) to extend the deadline under the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The Clerk read as follows:

H.R. 1217

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

SECTION 1. EXTENSION OF DEADLINE.

(a) IN GENERAL.—Notwithstanding the time period specified in section 13 of the Federal Power Act (16 U.S.C. 806) that would otherwise apply to Federal Energy Regulatory Commission project numbered 10359, the Commission shall, at the request of the project licensee, extend the time period during which the licensee is required to complete construction of the project to May 4, 2004.

(b) REPORTS.—The licensee for the project described in subsection (a) shall file with the Federal Energy Regulatory Commission, on December 31 of each year until construction of the project is completed, a report on the status of the project.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Colorado, Mr. DAN SCHAEFER, and the gentleman from Texas Mr. HALL, each will control 20 minutes.

The Chair recognizes the gentleman from Colorado Mr. DAN SCHAEFER.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself 5 minutes.

□ 1230

Mr. Speaker, H.R. 1217 would direct the Federal Energy Regulatory Commission to extend the deadline for the completion of construction of the Youngs Creek hydroelectric project in the State of Washington. The commencement of construction of this project was initiated in a timely manner, and the project developer expended about 25 percent of total project cost, which is $5.3 million. However, the developer has been unable to secure financing to complete project construction due to uncertainties in the electric industry.

H.R. 1217 extends the deadline for the completion of construction until May 4, 2004. As is the case with others, the extension under the bill does not change or alter the environmental requirements in any way. The Federal Energy Regulatory Commission has no objection to this legislation. I would urge support of H.R. 1217.

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

Mr. HALL of Texas. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 1217, which, like the previous bill, was introduced by the gentleman from Washington [Mr. METCALF], my good friend. This bill is exactly like the previous non-controversial hydroelectric project extension, but it is very important to the gentleman from Washington [Mr. METCALF] and is important to his district and his State.

As proven in the past, congressional extension legislation has been noncontroversial and without opposition from FERC. This practice holds true with H.R. 1217. These are easy yes votes, and I strongly urge my colleagues to join in supporting the gentleman from Washington [Mr. METCALF] in H.R. 1217.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield myself such time as I may consume.

I would also like to congratulate the gentleman from Washington [Mr. METCALF] for his excellent work on these last two bills. I know it is very, very important to the State of Washington, his district.

Mr. METCALF. Mr. Speaker, the project is located in Snohomish County and will result in no new or increased budget authority or tax expenditures or revenues. This facility has 25 percent of the total cost—$5 million—already invested in construction, and this legislation will extend the time to complete construction

for an additional 6 years from May 4, 1998, to May 4, 2004. Two of those years will be consumed by actual construction needed to complete the project.

This legislation will assure that the site is preserved for final construction. This is especially important because construction has already begun although a power sales agreement was not obtained. There is precedent for FERC to grant commencement extensions when construction has been delayed due to market conditions that are such that no power sales contract can be executed. For example, to date, construction has commenced although has been halted because of a lack of a power purchase agreement to support project construction financing. As a result of destabilization of the electricity industry and spot prices and, therefore, a market condition such that no power sales contract can be executed.

Again, the legislation provides for a 6-year construction extension. This is not an unreasonable request for a project already under construction. This project has received no challenges and has been determined environmentally sound and nonthreatening by all applicable local, State, and Federal agencies.

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Colorado, Mr. DAN SCHAEFER, that the House suspend the rules and pass the bill, H.R. 1217.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill H.R. 1217 was passed.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DAN SCHAEFER of Colorado. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1217, the bill just passed.

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

There was no objection.

RELATING TO 30TH ANNIVERSARY OF REUNIFICATION OF THE CITY OF JERUSALEM

Mr. GILMAN. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 60) relating to the 30th anniversary of the reunification of the city of Jerusalem.

The Clerk read as follows:

H. CON. RES. 60

Whereas for 3,000 years Jerusalem has been the focal point of Jewish religious devotion;

Whereas Jerusalem today is also considered a holy city by members of the Christian and Muslim faiths;

Whereas there has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city since the 1840's;

Whereas the once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force during the 1948 Arab-Israeli War;

Whereas from 1948 to 1967 Jerusalem was a divided city and Israeli citizens of all faiths as well as Jewish citizens of all states were denied access to holy sites in the area controlled by Jordan;

Whereas in 1967 Jerusalem was reunited by Israel during the conflict known as the Six Day War;

Whereas since 1967 Jerusalem has been a united city, and persons of all religious faiths have been guaranteed full access to holy sites within the city;

Whereas this year marks the 30th year that Jerusalem has been administered as a unified city in which the rights of all faiths have been respected and protected;

Whereas in 1990 the United States Senate and House of Representatives overwhelmingly adopted Senate Concurrent Resolution 106 and House Concurrent Resolution 290 declaring that Jerusalem, the capital of Israel, "must remain an undivided city" and calling on Israel and the Palestinians to undertake negotiations to resolve their differences;

Whereas Prime Minister Yitzhak Rabin of Israel later cited Senate Concurrent Resolution 106 as having "helped our neighbors reach the negotiating table" to produce the historic Declaration of Principles on Interim Self-Government Arrangements, signed in Washington, D.C. on September 13, 1993; and

Whereas the Jerusalem Embassy Act of 1995 (Public Law 104-45), which became law on November 8, 1995, states as a matter of United States policy that Jerusalem should remain the undivided capital of Israel: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city;

(2) strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected as they have been by Israel during the past 30 years;

(3) calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel; and

(4) urges United States officials to refrain from any actions that contradict this policy.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 20 minutes.

The Chair recognizes the gentleman from New York [Mr. GILMAN].

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

Mr. Speaker, I rise in strong support of House Concurrent Resolution 60, legislation that I sponsored with our colleague from New York, Mr. SCHUMER, which commemorates the 30th anniversary of the reunification of Jerusalem.

I want to thank the gentleman from New York [Mr. SCHUMER] for his leadership on this issue and commend him for his steadfast commitment to Israel and Jerusalem. I also want to commend our ranking minority member, the gentleman from Indiana [Mr. HAMILTON], for his support of this legislation.

The legislation before us today reinforces the strong relationship between the American people and the nation of Israel. From Israel's independence in 1948 until the miraculous reunification of Jerusalem in 1967's Six-Say War, Jerusalem was a divided city and Israeli citizens of all faiths, as well as Jewish citizens of all states, were denied access to holy sites in the area, which was controlled by Jordan. The once thriving Jewish majority of the historic Old City of Jerusalem was driven out by force in 1948, not to return again for 19 long years.

Despite the more than 3,000 years of Jewish residency in Jerusalem, Jews were once again cast out from King David's capital by overwhelming force. Once Jerusalem was one city again, the Israeli Government took important steps to guarantee freedom of religious access, not only to the Jews who had been denied their holy sites all those years, but also for Christians and Muslims. With the reunification of the city under Israel's jurisdiction, persons of all religious faiths have been guaranteed full access to their holy sites in Jerusalem.

Congress, in its role as the representative of the American people, has stated its support for Jerusalem as the capital of Israel on numerous occasions. We believe that Jerusalem must remain an undivided city forever. Indeed, the landmark legislation which became law in 1995, the Jerusalem Embassy Relocation Act, states these beliefs as a matter of U.S. policy.

Mr. Speaker, House Concurrent Resolution 60 congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city; reiterates the belief that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are going to be protected as they have been by Israel during the past 30 years. It also calls upon the President and the Secretary of State to affirm publicly as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel; and urges United States officials to refrain from any actions that contradict this policy.

Mr. Speaker, I urge my colleagues' strong support for this important measure.

Mr. Speaker, I do not have any further requests for statements. I would like to thank the Speaker, the gentleman from Georgia [Mr. GINGRICH], for his special interest in this resolution, as well as the balance of the leadership on both sides of the aisle for their support of the resolution.

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

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within

which to revise and extend their remarks on House Concurrent Resolution 60.

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

There was no objection.

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

I would like to note that the legislative business on suspensions will be concluded with the adoption of this resolution and that any Members having amendments with regard to the State Department authorization measure are urged to come to the floor at this time.

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

I am going to rise in opposition to House Concurrent Resolution 60 relating to the 30th anniversary of the reunification of the city of Israel. I do so reluctantly because I support the unity of the city of Jerusalem. I also value the many positive contributions Israel has made in and to Jerusalem over the last three decades.

I believe that it is critical for the United States to refrain from any actions that undermine the unity of this city which is holy for Jews, Muslims, and Christians. I also believe that the United States should eventually move its embassy in Israel to Jerusalem, which Israel considers its capital.

I regret that the Committee on International Relations was given no opportunity to consider this resolution before the House took it up under this suspension, where amendments are not possible. A single change to the language of the resolution would have gained my support and that of others who support the unity of Jerusalem, but also support forward progress in the Middle East peace process and oppose unnecessarily provocative actions to or by any of the parties to that process.

It would be totally consistent with U.S. policy to say that Jerusalem must remain an undivided city. It would even be acceptable to describe Jerusalem as Israel's capital and then state, as did House Concurrent Resolution 290, which this resolution cites, that it should remain an undivided city.

However, it is not consistent with United States policy articulated over several decades under several administrations of both parties to state, as this resolution does, that Jerusalem must remain the undivided capital of the State of Israel.

Taking such action at this time also hurts U.S. policy more immediately and directly. It will make it more difficult to get an already stalled peace process back on track.

I oppose the resolution at this time for three reasons. First, I do not think it is in the U.S. national interest to take any action that could hinder the peace process or the ability of the United States to continue to play an indispensable role in that process. We need to preserve our role as trusted intermediary, particularly now that we are moving toward permanent status negotiations in which Jerusalem will be a subject.

The United States has a vital interest in seeing the peace process move forward. Such forward movement is not likely to occur if we do serious damage to the critical U.S. role. We cannot preserve this role if the Congress succeeds in its attempt to force a U.S. policy that prejudges an issue as contentious as the final status of Jerusalem, an issue which the Declaration of Principles, signed by both parties in 1993, states will be determined by the parties to the conflict in their final status negotiations.

Second, the issue of Jerusalem has been left for the final status negotiations because of the strong emotion it engenders, because of the controversy it promotes, and because of the need to build confidence among the parties in any proposed solution of the Jerusalem issue. That confidence does not exist among the parties today. This resolution is another unilateral action that can make it more difficult to prepare for the key final status talks.

Finally, I think we need to view this suspension resolution, House Concurrent Resolution 60, together with the other provisions relating to the Middle East that are being discussed and will be voted upon when H.R. 1757, the State Department authorization bill, comes before the House for further consideration later today.

In addition to this resolution on Jerusalem, that bill contains additional problematic language on Jerusalem. We also will vote today on amendments with respect to Syria, actions by the Palestinian Authority with which we disagree, and a possible amendment on reducing aid to Egypt. Each of these amendments has some merit. I agree with much of what they say, but their cumulative effect is to have the United States appear very one-sided on matters where our continued ability to be trusted by all parties is critical.

So, Mr. Speaker, while I join my colleagues in saluting and celebrating a united Jerusalem, I cannot support this resolution at this time. I have, of course, no doubt about the strong support for the resolution. I just think it is appropriate for a few of us to speak out for a nearly 50-year-old American policy in the Middle East, a policy supported by 10 successive Presidents, that has served the Nation and the Middle East well.

□ 1245

I urge my colleagues not to make a difficult peace process even more difficult. I would urge a no vote on House Concurrent Resolution 60.

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

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

Mr. Speaker, this legislation with regard to the reunification of Jerusalem has been considered and adopted by the House in prior years, so its consideration should not be considered controversial. President Clinton has stated his support for an undivided Jerusalem. Since the onset of the peace process in 1992, Congress has gone on record on this issue on several occasions. Accordingly, this should not be seen as impairing the peace process. It has not stopped the negotiations from going forward, even when we adopted the Jerusalem Embassy Relocation Act.

Accordingly, I urge our colleagues to support this legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York [Mr. SCHUMER], the original sponsor of this measure.

Mr. SCHUMER. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding me this time and for his leadership on this issue; I thank the ranking member, even though we disagree, for his consideration.

Mr. Speaker, just 30 years ago, Jerusalem was a city divided, divided by barbed wire, divided by faith and divided by violence. In 1948, Jews, who have looked to Jerusalem for 3 millennia as their holy place, were systematically expelled from their holy city. The houses of worship were destroyed, the cemeteries were desecrated. Gravestones served as roads for construction in the city. The most holy of religious sites, the Western Wall, was used ignominiously as a garbage dump. Jews from around the world were unable to worship at their holiest of holy sites.

At the time, the free world rightly declared this heinous act of war illegal but did nothing, absolutely nothing, to change it. Thirty years ago all that changed. Jerusalem was liberated. Jews from around the world could once again pray in Jerusalem. Today Jerusalem is a city reunited, united in geography, united in respect for faith and united in search for peace.

Since 1967, Jerusalem has been the united sovereign capital of Israel, which no Israeli Government, Labor or Likud, would ever agree to divide. There are many issues that divide the Jewish community these days, both here in America and in Israel. This is not one of them. I say to my colleagues that Jewish citizens of America, Jewish citizens of Israel are virtually unanimous in the view that Jerusalem should remain the undivided capital.

I remind Members that under the last 30 years, the holy sites of all three great religions have been open to those who wish to pay their respects and pray there, unlike the period of 1948 to 1967.

In my judgment, the Palestinian Authority has no claim on Jerusalem, not only in fact and in history but because of what they did between 1948 and 1967. They lost it. To make the Wailing Wall a garbage dump? That is absolutely disgraceful and an abomination.

So over the years, recognizing that Congress has affirmed the policy that Jerusalem remain the undivided capital of Israel through numerous resolutions and laws, but never has it been more important that the United States speak with one voice to make the policy clear, that Jerusalem is and will always be the undivided capital of Israel. We in the U.S. House of Representatives understand the significance of Jerusalem to the Jewish people. Today, like Jerusalem, we stand united in congratulating the people of Jerusalem on the 30th anniversary of their city's reunification, united in commending Israel for guaranteeing the right of people of all faiths, Jewish, Christian, Muslim, to pray at their holy sites, united that this holy city never be divided again.

Mr. Speaker, I am proud to offer this resolution today to congratulate the people of Jerusalem on the 30th anniversary of their city's reunification, to say that it is my belief that the United States ought to stand foursquare behind that reunification and not do anything, anything at all, to undercut the fact that we will stand by Israel in its goal to keep Jerusalem united and prevent it from being divided. I say to those who do not believe that, that the peace process in my judgment, if it is based on the view that it ultimately must have a divided Jerusalem, will ultimately fail, and we ought to affirm that now and forever and once and for all.

Mr. Speaker, for 3,000 years, since the destruction of the second temple, the people of Jerusalem and world Jewry have said the following: "Jerusalem, if I forget thee, let my right hand be severed." We will never forget Jerusalem, and we are here to celebrate its permanent reunification.

Mr. GILMAN. Mr. Speaker, I want to thank the gentleman from New York [Mr. SCHUMER] for his leadership on this issue and for his very eloquent words in support of the resolution.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. GOSS], the distinguished former chairman of our House Intelligence Committee.

Mr. GOSS. Mr. Speaker, I rise in strong support of this resolution. I believe it is extremely appropriate that we tell the world that we are happy to celebrate this occasion and that we are still committed very much to overseeing our responsibilities toward peace in the area.

I take the view that we are in the business here of underscoring our commitment to the peace process. I do not believe that one can raise the issue of Mideast geopolitics without somehow conveying the idea that there is controversy. But I think that the issue before us is without controversy. It is on the suspension calendar, and I think it is merely a question of acknowledging the leadership of those who have made this possible to come before us. I associate myself with the distinguished remarks of the gentleman from New York, who I think put them so eloquently. I would suggest that to fail to pass this today would send a very bad message. On the other hand it deserves our unanimous support. I congratulate the distinguished chairman for bringing this to our attention.

Mr. HAMILTON. Mr. Speaker, I yield 1 minute to the distinguished gentlewoman from New York [Mrs. LOWEY].

Mrs. LOWEY. Mr. Speaker, I rise today in strong support of this resolution congratulating the Israeli people on the 30th anniversary of the reunification of Jerusalem. Today we in this House reaffirm our commitment to Jerusalem as the unified capital of Israel now and forever. It is especially fitting that we rise today to celebrate the Israeli capital as the people of the Middle East are struggling to bring peace to the region.

In these difficult times it is critical that we show our support for a safe and secure Israel, with Jerusalem as its undivided capital. Jerusalem has been and must remain a center of ethnic and religious diversity where individual rights of worship are respected and protected. Torn apart by war for almost two decades, Jerusalem was united as the capital of the State of Israel 30 years ago and so it shall remain. I commend my colleagues for bringing this important resolution to the floor, and I urge its passage.

Mr. HAMILTON. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I simply wanted to point out that the Department of State opposes this resolution. It opposes it on constitutional foreign policy and operational grounds. Quoting from their memoranda,

> The intent of this legislation is to force the administration to recognize Jerusalem as part of the territory of the State of Israel and indeed as the capital of the State of Israel. Our view of Jerusalem is guided by the Declaration of Principles, Oslo I, in which the two sides agreed that Jerusalem will be addressed in permanent status negotiations.
>
> Our objection to this bill is based on our long-standing policy toward Jerusalem and on the fact that this provision raises serious constitutional issues because it purports to limit the President's exclusive authority to conduct the Nation's diplomatic relations and others.

The point simply is that this resolution does not state American policy in the Middle East as it has been for many, many years, supported by 10 Presidents. Members should be aware of the fact that when they vote for this, for all kinds of good reasons, they are nonetheless departing from the U.S. position on the Middle East peace process that has served this Nation and served the Middle East, I think, very well for many years.

Mr. GEPHARDT. Mr. Speaker, I am proud to be an original cosponsor of House Concurrent Resolution 60, and I urge its adoption by the House of Representatives.

Two years ago, I joined many others in the Capitol rotunda to commemorate the 3,000th anniversary of the founding of the city of Jerusalem. It is in the spirit of that powerful ceremony, and in the spirit of Jerusalem itself, that I rise today in support of this resolution.

There is no question that Jerusalem is among the most important sites of modern civilization—a triumph of faith and freedom not just for the Jewish people, but for all people. And although people have fought over Jerusalem for thousands of years, today it stands as a city of peace, in which different races and religious faiths live together.

That is why Jerusalem should remain an undivided city, and be recognized as the capital of Israel. After all, Jerusalem embodies the very notions of liberty, justice, and freedom from persecution upon which Israel was founded. And it is only fitting that the holiest city in the world be celebrated as the center of the Jewish people, who have strived for so long simply to be able to express their faith freely and openly. That's why I supported and Congress passed legislation in 1995 to move the United States Embassy in Israel to Jerusalem.

Today's resolution reiterates the message we delivered in 1995 and which the Congress has expressed in prior years. We must be clear, however, that it is not enough simply to celebrate the past 3,000 years of Jerusalem's existence, or its past 30 years as an undivided city. We must seek to keep Israel and Jerusalem strong for the next 3,000 years. That's part of what the Middle East peace process is all about—and what the United States' unwavering support for Israel is all about.

In closing, I congratulate the residents of Jerusalem and the people of Israel on the 30th anniversary of that city's reunification, and I urge my colleagues to support this resolution.

Mr. GINGRICH. Mr. Speaker, I rise today to express my strong support for House Concurrent Resolution 60, congratulating the people of Israel on the 30th anniversary of the reunification of the city of Jerusalem.

It has been 30 years since Israel in the course of the 6-day war reunified the city of Jerusalem and opened its holy sites to people of all faiths. It has also been the policy of the United States ever since the historic reunification of this most holy city that it should never again be divided.

As a nation, one of our most fundamental principles is the principle of freedom of religion. With this vote, we in Congress reaffirm our belief that an undivided Jerusalem is integral to maintaining the rights of every ethnic and religious group in the city of Jerusalem, and we recognize and commend the people of Israel for protecting this right over the past 30 years.

I would also like to again urge the President and the Secretary of State to affirm publicly

what we in Congress have consistently voiced for many years, that Jerusalem is the Capital of Israel. I also call on the President to move forward at this time with the selection of a site for the new American Embassy in Jerusalem.

Mr. BRADY. Mr. Speaker, today I rise in support of House Concurrent Resolution 60. I am pleased to support this resolution which congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of Jerusalem, calls upon the President and the Secretary of State to publicly affirm—as a matter of U.S. policy—that Jerusalem must remain the undivided Capital of Israel, and urges U.S. officials to refrain from any actions that contradict this policy.

For 3,000 years, Jerusalem has been the religious, spiritual, and cultural center of the Jewish people. It is also important to note that Jerusalem has sites that are also important to other religious faiths. Furthermore, during the period 1949–1967, the eastern part of Jerusalem was under Jordanian control and people of all faiths were denied access to their holy sites. However, since Jerusalem was reunited in 1967, it has been a city open to people of all religions.

In addition to House Concurrent Resolution 60, the House is also considering another important piece of legislation, the Foreign Relations Authorization Act (H.R. 1757), affecting U.S. policy toward Jerusalem. Both of these bills reaffirm positions taken by Congress in 1995, when it overwhelmingly passed the Jerusalem Embassy Act. While that legislation become law on November 8, 1995, President Clinton, unfortunately, did not sign it. The Jerusalem Embassy Act declares that official U.S. policy should recognize Jerusalem as the Capital of the State of Israel. The bill also supports Jerusalem remaining an undivided city where the rights of every ethnic and religious group are protected. Finally, it requires that the United States move its Embassy from Tel Aviv to Jerusalem by May 31, 1999. We are also committed to seeing this happen and have included provisions to do so in H.R. 1757.

I urge my colleagues to vote for both House Concurrent Resolution 60, as well as H.R. 1757, which reaffirm our belief that Jerusalem should remain Israel's undivided capital.

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

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CALVERT). The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, House Concurrent Resolution 60.

The question was taken.

Mr. GILMAN. 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.

FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

The SPEAKER pro tempore. Pursuant to House Resolution 159 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 1757.

□ 1257

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further 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, with Mr. EWING—Chairman pro tempore—in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Thursday, June 5, 1997, the amendment offered by the gentleman from New Jersey [Mr. SMITH] had been disposed of.

Pursuant to the order of the House of Thursday, June 5, 1997, each further amendment to the bill, and all amendments thereto, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, except for the following amendments which shall be debated without a time limit:

1. Amendments en bloc offered by the gentleman from New York [Mr. GILMAN] pursuant to the previous order;
2. The amendment by the gentleman from Rhode Island [Mr. KENNEDY] regarding Indonesia;
3. The amendment by the gentleman from California [Mr. MILLER] regarding Cuba;
4. The amendment by the gentleman from New York [Mr. SCHUMER] regarding Egypt;
5. The amendment by the gentleman from New York [Mr. PAXON] or the gentleman from New York [Mr. ENGEL] regarding Palestinian land transactions;
6. The amendment by the gentleman from Ohio [Mr. NEY] regarding Libya;
7. The amendment by the gentleman from South Carolina [Mr. SANFORD] regarding authorization levels;
8. The amendment by the gentlewoman from Georgia [Ms. MCKINNEY] regarding arms transfer code of conduct;
9. The amendment by the gentleman from California [Mr. CAPPS] regarding Tibet;
10. The amendment by the gentleman from New York [Mr. GILMAN] regarding counternarcotics authorities;
11. The amendment by the gentleman from Indiana [Mr. HAMILTON]; and
12. The amendment by the gentleman from New York [Mr. GILMAN].

□ 1300

It shall be in order at any time for the chairman of the Committee on International Relations, or his designee, with the concurrence of the ranking minority member of that committee, or a designee, to offer amendments en bloc. Those amendments en bloc shall be considered read, shall not be subject to amendment, shall not be subject to a demand for a division of the question, and may amend portions of the bill previously read for amendment.

The original proponents of an amendment included in such amendments en bloc may insert a statement in the CONGRESSIONAL RECORD immediately before the disposition of the amendments en bloc.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, we are now resuming consideration of the foreign relations authorization bill for fiscal years 1998 and 1999. We have a unanimous-consent agreement that makes in order several amendments to be considered under the 5-minute rule without any special time limitation. Other amendments not mentioned in the unanimous-consent request are debatable for up to 10 minutes equally divided between a Member in support and a Member in opposition on the amendment. I request that any Members having an amendment would advise our committee if they plan to offer an amendment. It would help facilitate our work here for the remainder of the day.

I would also like to point out that we are continuing to work with the administration to reach an agreement on reorganization of the foreign affairs agencies. The President has directed that consolidation of USIA and the Arms Control Disarmament Agency take place over a 2-year period. That is our responsibility, to implement that decision. It is my intention to find a solution. I hope that my colleagues on the other side of the aisle will work with us to that end, and I want to thank the ranking minority member, the gentleman from Indiana [Mr. HAMILTON], for his cooperation. We will try to move this bill as expeditiously as possible, and we appreciate the cooperation of our colleagues to work within the agreed time limits.

AMENDMENT OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore (Mr. EWING). Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. GILMAN. Yes, it is, Mr. Chairman.

The Clerk read as follows:

Amendment offered by Mr. GILMAN:

At end of Title XVII (relating to foreign policy provisions) add the following new section (and conform the table of contents accordingly):

SEC. ADDITIONAL REQUIREMENTS RELATING TO ASSISTANCE.

(a) IN GENERAL.—Section 481(e)(4) of the Foreign Assistance Act of 1961 (22 U.S.C. 2291(e)(4)) is amended—

(1) in subparagraph (A)(ii), inserting "or under chapter 5 of part II" after "(including chapter 4 of part II)"; and

(2) in subparagraph (B), by inserting before the semicolon at the end the following: ", other than sales or financing provided for narcotics-related purposes following notification in accordance with procedures applicable to reprogramming notifications under section 634A of this Act.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to assistance provided on or after the date of the enactment of this Act.

Mr. GILMAN. Mr. Chairman I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, the euphemism, war on drugs, is often misused to describe the struggle against the illicit narcotics which destroy our communities and takes the lives of so many of our young people. However in Colombia, the major drug producing nation in our hemisphere, there is a raging narcotics based drug war, and it is only a short 3 hours away by aircraft from Miami. The Colombian National Police, the CNP, our longtime courageous and honest allies in the fight against the drug cartels and their narcoguerrilla allies, in the last 10 years alone they have lost nearly 3,000 police officers. These heavy casualties were taken fighting ours as well as their own grave struggle against the illicit drug trade. These brave police officers captured or killed all of the leadership of the ruthless Medellin cartel as well as all of the key kingpins of the more sophisticated and powerful Cali international drug cartel.

The administration twice decertified the Government of Colombia over the last 2 years without a national interest waiver because of alleged corruption surrounding the Presidency. At the same time, it has badly hurt the Colombian National Police and military fighting the real drug war from the safe and secure office of the Presidency in Bogota.

The annual drug certification statute as now written automatically cuts off foreign military sales and international military education and training. That assistance is given once a nation like Colombia is decertified, without being given a national interest waiver.

As a result, today in Colombia we cannot routinely provide FMS and IMET assistance to the police and the army. In addition, we cannot provide any lethal assistance, ammunition and explosives, in the middle of their raging narcowar.

Nor can we help adequately maintain the numerous pieces of U.S. military equipment we have provided to the security forces in the past to fight drugs. The net effect has been a classic case of shooting one's self in the foot in a matter involving our vital national security, illicit drugs coming from abroad.

The certification law also creates a catch-22 situation for the nation decertified. We are denying them the very military assistance and training they often need to produce increased results in fighting drugs, results they will need later to get certified for fully cooperating in the following year.

My amendment is simple. It was included in H.R. 1486 as it came out of our committee without any opposition. It makes clear that FMS and IMET narcotics-related assistance, when the United States decertifies a nation in the future, without a national interest waiver, would no longer automatically be cut off.

Under my proposal, while the administration need not automatically provide FMS or IMET drug-related assistance, they are not precluded from doing so especially when needed in such clear cut cases like the current drug war that exists in Colombia.

I urge my colleagues to please join in this common sense solution to correct a serious glitch in the current law. Let us give our courageous friends and allies in the Colombian National Police and military in its vital struggle for their lives and that of our children a real fighting chance, and I urge adoption of the amendment.

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

Mr. HAMILTON. Mr. Chairman, I rise in opposition to the chairman's amendment which inserts into this bill one of his sections in the foreign aid division, which of course the Committee on Rules had stripped from the bill.

This amendment, taken out of the foreign aid division of H.R. 1486, would remove the current legal prohibition against providing military training and military aid to decertified countries. What that means is that, if a country is decertified because it is not cooperating with us in the fight against drugs, the United States would still automatically cut off most development assistance as well as OPIC and Exim which help U.S. companies, but lethal equipment and other military assistance could still be sent to those decertified countries.

I oppose this amendment for two reasons. First, the amendment, I think, is an affront to fair process. The Committee on Rules stripped out the foreign aid half of the Committee on International Relations' bipartisan bill. Now the gentleman from New York [Mr. GILMAN] is coming back with a provision out of the foreign aid division. Members of Congress, the gentleman from New Jersey [Mr. MENENDEZ] and the gentleman from Florida [Mr. HASTINGS] and I, had a provision to revise the drug certification process, but we did not attempt to add it to a State Department authorization bill where it does not belong.

I do not like fooling around with the process. This approach, I think, is unfair to other Members who had provisions in the foreign aid division. The gentleman from New York [Mr. GILMAN] is trying to attach an undoubtedly popular amendment from the foreign assistance bill to a different vehicle. This approach, I think, shows that the gentleman from New York [Mr. GILMAN] has no confidence in the Committee on Rules' pledge that the foreign aid bill will be taken up at a later time. What he is doing now is putting very popular, very attractive, provisions from the foreign aid division into this bill, rewriting it so that it fits under the State Department authorization bill.

Second, however, I oppose the amendment on substance. One of the main reasons for prohibiting military aid is to have a powerful stick to persuade militaries in major drug countries to become U.S. allies on counternarcotics. This amendment removes one of the key levers that the United States has under current law.

What we do here is we would decertify a country saying that they do not cooperate with us, and then we turn around under this amendment and say, "Even though you do not cooperate, we are going to continue to supply you with all of the military aid that you want."

With this amendment, for example, the United States would provide approximately $30 million in additional military assistance to Colombia. Keep in mind Colombia is a country that does not cooperate with us by our own finding in the fight against drugs. This contradicts this amendment, I believe, the very purpose of cutting off assistance to decertified countries. Colombia's military has less incentive to improve Colombia's record if it is getting the aid that it wants any way.

Now I do agree with the gentleman from New York [Mr. GILMAN] that automatic sanctions are counterproductive. The entire decertification statute is badly flawed, and for this reason the committee voted to revise the decertification process and voted to remove all mandatory sanctions. The committee has been denied a chance to bring that product before the House.

In my view rather than make piecemeal changes, as proposed in the Gilman amendment, we should revise the entire statute. The gentleman from New York [Mr. GILMAN] said at committee markup that major changes to the decertification statute should undergo a close review including hearings. Well, this amendment is such a change. The gentleman from New York should withdraw this amendment until such time as the committee has completed that review.

Mr. Chairman, I urge my colleagues to oppose the amendment.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent for 5 additional minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. GILMAN. Mr. Chairman, I would like to engage in a short colloquy with the gentleman from Indiana [Mr. HAMILTON].

Mr. Chairman, is it the gentleman's understanding that the administration supported this legislative fix to the decertification statute?

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, is the gentleman asking me if the administration supports his amendment?

Mr. GILMAN. No, I am asking if it is the gentleman's understanding the administration supported this legislative fix to the decertification statute so that they could meet IMET and FMS in these cases?

Mr. HAMILTON. May I respond?

Mr. GILMAN. It is my understanding that the administration did support it.

Mr. HAMILTON. Mr. Chairman, I took the position I did without reference to the administration. I do not know what their position is. They can speak for themselves.

Mr. GILMAN. Mr. Chairman, in further addressing the gentleman's comments I want the gentleman to know that I have full confidence that we are going to move the foreign aid bill at a later date, but this proposal is a matter of extreme urgency. Today the Colombian National Police have only 10 days worth of ammunition in order to continue to conduct the kind of fight that they are conducting against the guerrillas who have been trafficking in narcotics, and it is for that reason that I propose this amendment which merely restores FMS and IMET so that these courageous fighters in the drug war could continue in their efforts.

Mr. HAMILTON. Mr. Chairman, if the gentleman would continue to yield, I was very pleased to hear him say a moment ago that he believes the foreign aid bill will be brought up.

Does the gentleman from New York, the chairman of the committee, have the assurance of the leadership that a foreign aid bill will in fact be brought up on this floor?

Mr. GILMAN. Mr. Chairman, we have been conferring with the leadership, and I will continue in my efforts to try to bring the foreign aid measure to the floor of the House.

Mr. HAMILTON. But the gentleman has no assurance from the leadership that such a bill will be brought forward?

Mr. GILMAN. I have no guarantees at this time. I can only state to the ranking minority member that I will continue strenuous efforts to try to bring the measure to the floor of the House.

Mr. HAMILTON. Let me assure the gentleman I support him in those efforts.

□ 1315

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. NEY

Mr. NEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. NEY. Yes, Mr. Chairman, it is.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. NEY:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. PROHIBITION ON FOREIGN ASSISTANCE TO ANY COUNTRY THAT ASSISTS LIBYA IN CIRCUMVENTING UNITED NATIONS SANCTIONS.

(a) IN GENERAL.—None of the funds made available in this Act and the amendments made by this Act shall be made available for assistance to any government if the President determines that such country has assisted the Government of Libya in violating sanctions imposed by United Nations Security Council Resolution 748 (1992).

(b) EXCEPTION.—This section shall not apply if the President determines that making such funds available is important to the national security interest of the United States.

Mr. NEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. NEY. Mr. Chairman, Steven Burrell, Shannon Davis, Christopher Jones, Sarah Phillipps, Cynthia J. Smith, these are names of students, not the names of students who I would like to say today are in their communities and able to continue their education and add to their communities' benefit, and maybe one of these names could have found a cure for cancer, maybe one of these names would have done a great humanitarian effort. No, Mr. Chairman, the names I read, Steven Burrell, Shannon Davis, Christopher Jones, Sarah Phillipps, Cynthia J. Smith, these are the names of just a few of the 35 students from Syracuse University who cannot be with us today and never will be with us because they were passengers on Pan Am Flight 103, which was blown out of the sky by a powerful bomb over Lockerbie, Scotland. All told, all 259 passengers and crew aboard the plane were killed, along with 11 people on the ground.

After one of the most extensive investigations in history, two Libyan intelligence agents were implicated for planting an explosive device on the plane that murdered all of the passengers on the plane. After repeated requests, I stress repeated requests, and Libya's failure to extradite the two Libyan agents, the United Nations imposed a ban on air traffic in and out of Libya as a result.

Last week, in a reckless attempt to have the sanctions lifted without actually delivering the two suspects, the Libyan Government, under the direction of Moammar Qadhafi, sent a direct appeal to the families of the victims talking about a compromise. Unfortunately, the letter was more of a cynical propaganda ploy aimed at manipulating the victims' families than it was an actual concession, and the victims' families recognized this publicly.

On top of murdering the families, I think one of the worst things that could have been done was to try to involve them in a propaganda ploy of the Libyan Government.

Now, why did this happen? It happened because earlier this year, on May 8, the Libyan leader, Moammar Qadhafi, defied the U.N. ban on all traffic in and out of Libya. He flew a flotilla of four Boeing 727's to two Libyan countries, Niger and Nigeria. Now this matter is currently being pursued in the U.N. Security Council and the Sanctions Committee.

My amendment, very simply, will prohibit any funds made available through this bill from going to any government that assists Libya in circumventing the U.N. sanction.

We took upon ourselves, and the United Nations agreed, these sanctions for a reason. Not for the pleasure of Moammar Qadhafi to do as he pleases without doing the right thing, which is to turn these people over for trial that killed all of the people on the Pan Am flight, but on top of it, Mr. Chairman, it is blatantly obvious that Moammar Qadhafi does not take the U.N. sanctions seriously, and that Libya continues to harbor and finance terrorist groups that share Qadhafi's anti-Western views all over our planet.

However, real problems begin to arise when other nations of the world assist rogue governments and rogue countries like Libya in circumventing U.N. sanctions. That does not add to the peace or the security of any citizen of any country who at any point in time can fall victim to the rogue activities of a rogue government headed by a ruthless rogue leader, which is what Moammar Qadhafi is.

The United States has the ability, however, to help deter other countries from assisting Libya through the threat of withholding American assistance, and that is the sole purpose of my amendment.

Mr. Chairman, I urge my colleagues' support of this amendment on behalf of the innocent Americans and the innocent peoples from all around the world

who were on this flight and for the other people who have fallen victim to the hideous ways of this brutal leader. I again urge my colleagues' support of this amendment. I would also like to thank the gentleman from New York [Mr. GILMAN] and his staff for all of the hard work that they put into this bill. They have done a wonderful job.

Mr. HAMILTON. Mr. Chairman, I rise in support of the amendment, and I will vote for it. I want to work to refine it down the line, and I have a question or two to the sponsor.

Mr. Chairman, I would inquire of the gentleman from Ohio, what countries would be affected by this amendment?

Mr. NEY. Mr. Chairman, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from Ohio.

Mr. NEY. Mr. Chairman, the countries that would be affected would be those countries who, in fact as the amendment states, the President feels has violated the U.N. sanctions. So it could be any country of the world in fact that would allow for a situation like the flotilla to land in their country and they would violate U.N. sanctions. So it is not specific to what countries, but it would be any country who violates the already existing U.N. sanctions.

Mr. HAMILTON. Mr. Chairman, can the gentleman name any country that would be affected, any specific country that would be affected?

Mr. NEY. Well, if the gentleman would further yield, it could be whatever country that violated from this point forward.

Mr. HAMILTON. Is there a country that now violates, if this were law?

Mr. NEY. Mr. Chairman, I feel that the two countries that allowed him to land, and of course the United Nations has to make that decision, which was Niger and Nigeria, but this amendment would be a deterrent to future situations where a country would allow the leader, Moammar Qadhafi, in fact to land on their soil.

Mr. HAMILTON. Mr. Chairman, reclaiming my time, I think the gentleman should be commended. All of us want to support tough sanctions against Libya, because there is not any doubt that Libya has not cooperated with respect to the investigation of Pan Am 103, and there is not any doubt that Libya is not complying with the U.N. resolutions. But I do want to point out in the interest of indicating that some refinements probably have to be made on the gentleman's amendment, the kinds of problems that arise.

For example, South Africa. President Mandela has invited Qadhafi to visit. Is South Africa going to get caught up in this amendment? Or take Tunisia, who is the largest recipient of United States antiterrorism assistance. It is certainly hostile to Libya on a state-to-state basis, but through the Island of Djerba is a major international gateway to Libya. It is quite possible, for example, that Tunisia would be caught up in this amendment.

I point these things out not to be critical of the gentleman's amendment, but simply to encourage him, as the bill moves forward, to be open and receptive to refinements to the bill which would permit us to deal with these fairly specific and fairly difficult situations.

Mr. NEY. Mr. Chairman, if the gentleman would continue to yield, I would just note that I am willing to communicate during the process, of course, and I know the gentleman from Indiana [Mr. HAMILTON] would agree that we would have to be narrow in the scope so that certain unforeseen situations such as the ones that were mentioned, but I think that we would have to be careful, obviously, to always encourage countries to not deal with such regimes, but again, I think we can definitely have a discussion of what situations are appropriate, and also note the language. There is a certain amount of executive flexibility which we can communicate on.

Mr. HAMILTON. Mr. Chairman, I thank the gentleman.

Mr. GILMAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the committee is willing to accept the amendment by the gentleman from Ohio [Mr. NEY], and I want to commend him for his good work on this measure.

I appreciate the work that has been done in trying to improve our sanctions legislation. I will note that the amendment cuts off aid to any country that breaks U.N. sanctions against Libya, and while there is some concern that this amendment will cut off aid to some key allies, I note that this provision does have a national security waiver which the President may exercise in order to continue aid amongst those countries.

Accordingly, Mr. Chairman, I strongly support the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. NEY].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. NEY. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to the House Resolution 159, further proceedings on the amendment offered by the gentleman from Ohio [Mr. NEY] will be postponed.

The point of no quorum is considered withdrawn.

AMENDMENT OFFERED BY MR. CAPPS

Mr. CAPPS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. CAPPS. Yes, Mr. Chairman, it is.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. CAPPS:

At the end of Title XVII (relating to foreign policy provisions) add the following new section (and conform the table of contents accordingly);

Notwithstanding section 1407(b)(1) of this act, for each of the fiscal years 1998 and 1999 at least 30 scholarships shall be made available to Tibetan students and professionals who are outside of Tibet (if practicable, including individuals active in the preservation of Tibet's unique culture, religion, and language), and at least 15 scholarships shall be made available to Burmese students and professionals who are outside Burma.

Mr. CAPPS. Mr. Chairman, my amendment directs USIA, whenever feasible, whenever practical, to include individuals that are active in preserving the culture, religion and language of Tibet in the existing Tibetan Education and Cultural Exchange Program authorized in this bill.

Mr. Chairman, as we know, the Tibetan people have suffered tremendously under a succession of regimes, present regimes in Beijing. Beijing has singlemindedly implemented policies that have plundered and decimated spiritual life, the cultural life, the religious life, and specifically the monastic life, the life of the monks of the people of that country, and forced change in the day-to-day cultural traditions of the Tibetan people.

In the last 2 years, regrettably, this repression has increased. The current Chinese policy toward Tibet may well end in relegating Tibetan culture and language to the history books unless we make conscious efforts to support the preservation of this culture.

Mr. Chairman, before I came here as a Congressman, I was professor of religious studies at the University of California in Santa Barbara. Tibet is very much on my mind these days. Last week I participated in a celebration at Santa Barbara to establish a professorial chair in Tibetan Buddhist studies in my own department.

□ 1330

My own dedication to the study of religion is born of the belief that the cultural and spiritual life of the world benefits immeasurably from the diversity of the world's religious traditions. In Tibet, as in all places, the religion and culture inextricably intertwine and is the glue that holds the people of Tibet together.

Furthermore, the richness of the Tibetan culture in my judgment benefits all of humanity. It enriches the human spirit. The annihilation of this would be a loss to all of us.

This amendment encourages Tibetans to participate in this preservation activity. The preservation of Tibetan

culture, religion, and language, as I have said, is important to us all. This amendment is a significant step in that direction.

Mr. HAMILTON. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from Indiana.

Mr. HAMILTON. Mr. Chairman, I just want to express my commendation to the gentleman from California [Mr. CAPPS] for offering this amendment. He is a very distinguished scholar in this field. He is applying his expert knowledge to a provision of law and refining it, I think, in a very productive and constructive way. I fully support the amendment and congratulate him for offering it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. CAPPS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I rise in support of the amendment offered by the gentleman from California [Mr. CAPPS]. His Holiness, the Dalai Lama, has diligently and courageously sought to protect Tibetans' unique cultural and religious heritage. The Fulbright Exchange Program has helped in that goal. Accordingly, we are pleased to accept the gentleman's amendment. I urge my colleagues to support the amendment.

Mr. CAPPS. I thank the gentleman.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from California [Mr. CAPPS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. MILLER of California. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. MILLER of California. Yes, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. MILLER of California:

At the end of title XVII, insert the following section:

SEC. 1717. CUBAN CIGARS.

It is the sense of Congress that the United States should not prohibit the importation into the United States, or the sale or distribution in the United States, of cigars that are the product of Cuba.

Mr. MILLER of California. Mr. Chairman, the purpose of this amendment is twofold. One is to put an end to the duplicity that takes place so very often inside the beltway in Washington, DC, as members of the government, both the executive branch, the congressional branch, and others denounce the Cuban embargo, or denounce Cuba and continue to support the embargo against Cuba, and then after doing so, light up a Cuban cigar and extol the pleasures and the attributes of that cigar.

However, this practice of lighting up Cuban cigars is not something that is just limited to those who favor, oppose, or have a position on the Cuban embargo. What we know now is that for many, many years, the life of the embargo, over 30 years, is that even in its inception it was designed not to be respected and not to be honored. President Kennedy, when he knew he was going to sign an embargo against Cuba, immediately asked one of his aides to go out and purchase all the Cuban cigars that he could get his hands on so he would have a full stock of them when the embargo went in place.

Since that time, Members of Congress have gone to Cuba in official delegations and met with Fidel Castro and met with other officials in the Cuban Government and have come back with Cuban cigars. They have shared them on a very discreet basis with their good friends, and again, they have enjoyed them to the hilt.

Those of the Members who have served here for some time know very often Members would report to the Speaker of the House of Representatives, Tip O'Neill, about their trips and their conversations with the Cuban Government; and he would very quickly ask you, where are the cigars, knowing that a box of cigars had been sent from Fidel Castro or from some other governmental official to him.

So the point is this, the point is this: that we have people in the political elites, we have people in the media elites, the intellectual elites, who visit the island or who travel overseas and who have the money to buy these cigars, to purchase them. What has happened? For the middle-class cigar smoker, it means the cigar costs somewhere between $15 and $35, maybe more. I think we ought to, if it is good enough for those in the Government, if it is good enough for those in the media, I think we ought to share it with the middle class in this country.

We understand the purposes of this embargo. The idea was that we could impose hardship on the Cuban Government and they would change their ways. This was a sacrifice we were prepared to enter into. If this sacrifice is worth making, it is worth sharing. I think that is what this amendment does.

This amendment also understands that we cannot have it both ways. We cannot have it to condemn and to support the embargo and then engage openly in the products of that. This is what we are talking about. This is the Cohiba cigar. This is the mother lode of cigars.

This is what, when people get together and go to cigar smokers, a few people in the room will have it, and the rest in the crowd will watch them light it up with great admiration. They will talk about how they acquired it; did they mail order it on the Internet? Did they have it sent to them from Holland, where the bands were removed, the Cohiba bands were removed, it entered the country, and then they had the bands sent separately so they could get the bands back on to impress their friends? Or did they get it from a governmental official, a Member of Congress who traveled to Cuba and brought them back to hand them out; let me do you a favor, let me give you a cigar.

Why should not all Americans, if they so desire, enjoy that pleasure? But what we have done is established an embargo on cigars that now means it is really only for the elite. It is only for the elite. This amendment suggests that that should not be allowed, that we should not continue that purpose. We should end the duplicity about this.

Some have suggested that if the ban and embargo were truly enforced, we probably could not get a quorum in the Congress of the United States, or in the U.S. Senate, or maybe even in the President's Cabinet, because they would all be taken off for smoking contraband. Is that what forces us to spend over $1 million a year in customs agents just in Miami for the purposes of searching out cigars?

Do we not have larger problems in terms of our customs service, drugs, other illegal materials, piracy? Should we spend this kind of money just in one city to search out this dangerous little cigar that is enjoyed only inside of the beltway and in the parties among the elite?

I think we can do better than that. I think we can do better by redirecting our resources to those things that are causing the American public great angst, mainly the illegal importation of drugs into this country where we would better use those customs agents. I think we could do better in terms of ending the hypocrisy by those who will raise cain about the government of this island, about the government of Fidel Castro, and then enjoy a Cuban cigar.

This is not a partisan amendment. This smoke flows as heavily from the Republican cloakroom as it does in the Democratic cloakroom.

The CHAIRMAN pro tempore. The time of the gentleman from California [Mr. MILLER] has expired.

Mr. MILLER of California. Mr. Chairman, I ask unanimous consent for 30 additional seconds.

Mr. DIAZ-BALART. Mr. Chairman, I object.

The CHAIRMAN pro tempore. Objection is heard.

AMENDMENT OFFERED BY MR. DIAZ-BALART TO THE AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA

Mr. DIAZ-BALART. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. DIAZ-BALART to the amendment offered by Mr. MILLER of California:

Delete the final period and at the end of the amendment, add the following: "at such time as the government of Cuba has (1) freed all political prisoners, (2) legalized all political activity, and (3) agreed to hold free and fair elections."

Mr. DIAZ-BALART. Mr. Chairman, this amendment offered by the gentleman from California, an attempt to trivialize the suffering of the Cuban people and the apartheid economy that the Cuban worker has to live under, is truly unfortunate. The issue is not cigars, the issue is the fact that the Cuban worker in this example, for example, those who work in the fields and in the factories producing the cigars, their product is sold only in dollars, in hard currency. Yet the Cuban worker cannot collect in any way, shape, or fashion the earnings produced by the dictatorship from his labor.

So he is paid in almost worthless Cuban currency, made worthless, by the way, by the apartheid economy. And of course the dictatorship collects the very handsome, substantial sums in dollars that are generated by the actions of the Cuban worker; in this case, the cigar manufacturer and the agriculture manufacturer, the agricultural worker who works in the fields taking the tobacco to the factories.

So what my amendment to the amendment says, to this very obvious attempt to trivialize the suffering of the Cuban worker and the apartheid economy, what my amendment to the trivializing effort says is very simple: We will have no objection to making Cuban cigars legal when the Cuban producers and the workers involved in that process are able to collect what their labor produces.

Once there is a government in Cuba that frees political prisoners and legalizes political activity, and agrees, in effect, to return sovereignty to the people through willingness to hold free and fair elections, then that will be a government, obviously, that will permit that when the Cuban worker produces something like a cigar, then that currency that is generated by that sale will go to the worker, and not like now, where the dictatorship collects the dollars and keeps the worker in a situation, on the verge of the 21st century, of a total apartheid economy and abject, almost slavery, as I say, just a few years from the 21st century.

I think it is really unfortunate we are trivializing this situation, but that is, in effect, what the amendment, what the core amendment, seeks to do. That is why I think, Mr. Chairman, it is important to amend the amendment by making clear that yes, the American people will be glad to help support the Cuban economy by the purchase of that wonderful product that nature makes possible and the hard work of the Cuban worker makes possible, the Cuban cigar, once the Cuban worker is able to benefit from his and her labor and not an apartheid economy, a regime that imposes an apartheid economy on the Cuban worker.

That is what the amendment makes clear, Mr. Chairman. It is self evident.

Mr. Chairman, I yield to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. I thank the gentleman for yielding time to me, Mr. Chairman.

Mr. Chairman, I rise in support of the Diaz amendment to the Miller amendment. Cuba is one of the few countries in the world in which the struggle against totalitarianism has not yet been won. Because of the proximity of Cuba to the United States and the historical close relationship between the peoples of our two nations, it is especially important that this victory come sooner rather than later.

In evaluating all proposed legislation, in evaluating all administrative action and diplomatic initiatives with respect to Cuba, it is important to keep several principles in mind.

The CHAIRMAN pro tempore. The time of the gentleman from Florida [Mr. DIAZ-BALART] has expired.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the last word.

Mr. Chairman, in evaluating all of the proposed legislation, any kind of diplomatic or administrative initiative vis-a-vis Cuba, it is important to keep these following principles in mind: First, such actions must be calculated to emphasize the status of the Castro government as a rogue regime with whom the civilized nations of the world should have no dealings.

Second, our actions must be calculated to hurt the dictatorship and not the Cuban people.

Finally, we should make it clear that Cuba will receive a warm welcome back into the family of free and democratic nations.

□ 1345

By this standard, we have made some terrible mistakes, such as the 1994 Clinton-Castro antirefugee agreement. We made this agreement just a few months after the Castro regime had brutally murdered 40 men, women, and children who were trying to escape from Cuba on the vessel the *Thirteenth of March*. The agreement gave the Castro government just what it wanted, an end to the longstanding United States policy of accepting people who escape from Cuba.

The agreement specified that Castro was to use mainly persuasive methods to keep people from fleeing from Cuba. The United States thereby accepted moral responsibility for whatever forms of persuasion he should choose to employ. And it enhanced the international prestige and the domestic power of the regime.

The Castro government returned the favor a year later by murdering four American citizens, members of the profreedom organization Brothers to the Rescue who were flying in international airspace. So we got tough again for a little while.

Mr. Chairman, the adoption of the Miller amendment, if it is not amended successfully by the gentleman from Florida [Mr. DIAZ-BALART], would send a clear signal that the get-tough period is over again. It would send a signal, and it would signal an unwarranted unilateral departure from our policy of isolating Castro. Once again we would send a signal to the world that Castro is not so bad after all.

Mr. Chairman, it is important that we remember just what kind of regime we are dealing with. We must bear in mind that the Castro regime is the No. 1 violator of human rights in our hemisphere.

According to the State Department's country reports on human rights practices for 1996, Cuba is a totalitarian state controlled by Fidel Castro, who has exercised control over all aspects of Cuban life. According to the country reports, among the more serious human rights violations by the regime in recent years are, and I quote:

The authorities were responsible for the extrajudicial killing of dozens of people.

The government continued to employ acts of repudiation, which are attacks by mobs organized by the government but portrayed as responsible public rebukes, against dissident activity.

The government also metes out exceptionally harsh prison sentences to democracy and human rights advocates whom it considers a threat to its control.

Police and prison officials often use beatings, neglect, isolation, and other abuse against detainees and prisoners convicted of political crimes, including human rights advocates, or those who persisted in expressing their views.

Citizens have no legal right to change their government or to advocate change.

The government does not allow criticism of the revolution or its leaders. The Communist Party controls all media as a means to indoctrinate the public.

Religious persecution continues,

The country reports point out.

The government has ignored calls for democratic reform and labeled activists who proposed them as worms and traitors.

The decision on whether to embrace or isolate the Castro regime raises the question of what role human rights and basic decency are to play in our foreign policy. I urge a strong "yes" vote for the Diaz-Balart amendment, and salute him for his longstanding support for democracy in Cuba. His amendment is a step in the right direction in that endeavor.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

I rise in opposition to the amendment originally proposed by the gentleman from California [Mr. MILLER] and in support of the new amendment as proposed by the gentleman from Florida [Mr. DIAZ-BALART].

The Miller amendment comes across as a parody or a caricature, very cruel,

of the Cuban people. It makes a mockery of the suffering Cuban people, of their subjugation, and it belittles their suffering. The Miller amendment is also an affront to the more than three-decades-old United States policy toward Cuba, for it focuses on violations of the trade embargo as justification or cause to weaken our United States policy.

I think it defies all logic when violations in and disregard for U.S. laws are used to defend a position of accommodation with smugglers or, in the final equation, with the Castro regime itself.

Essentially, this Miller amendment is saying that if we cannot beat them, join them. If we cannot curb the violations of U.S. laws and we cannot inhibit interest in Castro's blood products, then let us just make things easier for all and lift those prohibitions.

This is not the way, certainly, that U.S. foreign policy should be run. I really do not think that the United States would have won the cold war and sit as the leader of the free world, if every time its laws were blatantly disregarded, we had thrown up our hands in the air and said, fine, we cannot seem to enforce the laws because people are violating them, so let us just change the law.

This is not the way to proceed. We do not change laws because someone decides to violate them or skirt them. This is like saying we cannot prevent murderers from killing or drug traffickers from polluting our society, so we should change our laws to accommodate those crimes. That is unconscionable and it is just plain wrong.

It would be helpful for the cause of freedom if the gentleman from California would instead introduce an amendment that focused on human rights violations in Cuba, or on the narcotics trafficking by the Castro regime, or on their sponsorship of activities to undermine United States security and hemispheric stability.

If the gentleman would only reflect on four innocent, unarmed victims shot down over international waters on February 24 of last year, three of them United States citizens and the fourth a U.S. legal resident, one of these brave young men served this country proudly in Vietnam, having been decorated for courage in defending the ideals of democracy. I suppose it would be too difficult to think of them or think of the men, women, and children killed by Castro's thugs in Cuban waters because they merely tried to seek freedom; or think about the thousands who perish in Castro's jails because they had the courage to stand up to this cruel regime and defend their right to be free.

That is much more difficult and much less financially rewarding. This amendment certainly seems to be the easy way out.

They should be remembered, and we should remember every day the blood shed by so many throughout the years in the struggle to free Cuba from its enslavement at the hands of the Castro regime. We should not be considering an amendment like the one introduced by the gentleman from California [Mr. MILLER], which only serves to provide a lifeline to the Castro dictatorship.

The Miller amendment contradicts and undermines the objectives and the priorities of United States policy toward Cuba. It serves to belittle the views of the majority of this body, and of the Senate as well, that overwhelmingly supported the passage of the Helms–Burton law. It disregards United States foreign policy priorities and national security interests by placing greater emphasis on financial gain than on the overarching commitment of the United States to help bring democracy to Cuba.

The United States must assume its leadership role and effect concrete, positive changes within the last remaining bastion of totalitarianism and dictatorship. It should not be wasting its position of influence to help fill the pockets of a ruthless dictator.

Unfortunately, it appears that some in this body cannot shift the focus from dollars and cents. It appears that the desire for a Cuban cigar and the idea of capitalizing on trade is stronger than the human instinct to protect the downtrodden and the oppressed.

I hope that the latter will prevail, and that my colleagues will overwhelmingly reject the Miller amendment and instead support the Diaz-Balart amendment.

Mr. MENENDEZ. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to support the Diaz-Balart perfecting amendment and to oppose the Miller amendment of my colleague from California.

I have respect for his desire and the desire of a lot of people in this country who want to smoke a Cuban cigar. I understand that. I understand that. But the nature of the question is, What has worked to move the Castro regime to make some positive changes?

And the fact of the matter is, I would quote to the body the realities that our policy, which is to deny the regime hard currency, thereby forcing it to move toward a greater opening, hopefully, for democracy and human rights, has been a policy that has begun to work, especially over the last several years for which the loss of the Soviet Union $6 billion a year and the tightening of our embargo, ending the loopholes and the Libertad legislation, have taken effect so much so that we hear the regime constantly, daily speak against them, and they would not even pay attention to it if it was not having an impact.

Now, the fact of the matter is that our policy has created some very significant things. It has reduced the third largest army in the Western Hemisphere after the United States and Brazil per capita, good for the people in Cuba. Less of a military means more food for Cuban families, less of a military means less instability throughout the Americas, and certainly it is a good action. That has happened because of the necessity created on the regime.

What else has happened? The fact of the matter is that international investment, limited as it is in Cuba, has only been created and accepted over the last couple of years out of necessity, necessity by the fact that the Soviet Union no longer exists and no longer does their aid flow to the regime, and at the same time our policy. So in fact, whatever we believe, for those of us who even disagree with the policy that economic opportunities would create democratic movements, that has been created by necessity.

Lastly, the American dollar, the most hated symbol of the revolution, illegal to own until a couple years ago, is now actively sought within Cuba.

So the fact of the matter, it is our policy of denying the regime hard currency that has moved them, albeit ever so slowly and ever so limitedly, that has moved them to the only positive openings that we have seen.

The other thing is, I know that my colleagues, especially on this side of the aisle, are in strong support of labor rights. A laborer in Cuba, particularly in the tobacco industry and the cigar and leaf-producing and cigar-making industry, does not have the right in Cuba to receive resources directly from a foreign company investment in terms of a salary. That is to say, the foreign company comes into Cuba producing cigars for export and in fact they cannot be paid directly by that foreign company. In fact, they pay the regime. The regime takes the overwhelming amount of the salary and gives a subsistence wage to the worker.

I am sure that my colleagues do not want to be part of an enterprise, as we talk about China and the people's army there, and products produced there and other parts of the world, I am sure that we do not want to exploit Cuban workers who are not able to fully receive the benefits, working conditions and the salary of their sweat and labor.

In fact, by doing this, we would do that. We would permit hard currency to go to the regime. We would not improve the life of workers. On the contrary, we would continue to promote the subsistence wages that they get. We would continue to promote the under class that in fact they slave in on behalf of the regime, and we would permit the regime to be able to continue to oppress its people because it would have resources flowing into it in very significant dollars.

While this is only a sense of the Congress, I think it is the wrong sense.

Right now at this very moment, I just finished getting off of Radio Marti, doing a program in which people from the islands are connected to people through Radio Marti. When we think of the work of independent journalists who get arrested every day for trying to report what is going on in Cuba, if we think about the dissidents that are active in Cuba, the fact of the matter is, this debate even makes a mockery of what they are trying to accomplish every day.

Just a little while ago the gentleman from Ohio [Mr. NEY] offered an amendment pertaining to Libya. No Member here would consider offering an amendment to allow any single Libyan product to enter the United States because of Libya's actions. I can think about that replicated in a whole series of countries across the globe, that we say we will not permit their products to come in because of the nature of forced labor, prison camp labor, or in fact the exploitation of workers.

I have heard many of my colleagues passionately speak about those rights. And so I would urge my colleagues to support the Diaz-Balart amendment. Let Cuban cigars in when freedom and democracy come to the people of Cuba, and when workers are not exploited and they can share in the benefits of proceeds received from the work of their labor.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

I am rising in opposition to the Miller amendment and in support of the Diaz-Balart amendment. As much as some appreciate the Cuban cigars, it is certainly not the key issue. The key issue today with regard to the Miller amendment is freedom in Cuba.

Cuba is not free and this Congress has acted repeatedly to tighten, not loosen, the embargo against Cuba. I cite the Cuba Democracy Act passed by a Democratic Congress and signed by a Republican President. I cite the Helms-Burton Act passed by a Republican Congress, signed by a Democratic President. The gentleman from California [Mr. MILLER] is right, Castro cannot have it both ways or either way, Republican or Democrat, Congress or the President.

The message has been the same, from President Kennedy through Presidents Reagan and Clinton: Free Cuba.

I ask the gentleman from California [Mr. MILLER] to note that there are many fine cigars made outside of Cuba, and I urge the gentleman to familiarize himself with the Opus X or Arturo Fuente cigars until Cuba is free, and let us not allow our strong commitment to human rights to be blown away by any cigar smoke.

Accordingly, I support the Diaz-Balart perfecting amendment. I urge its adoption and defeat of the Miller amendment.

□ 1400

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I recognize the arguments of my colleagues, and that is the reason we have the embargo, but they obviously missed the point on the amendment; that it gets a little old, as people are thumping their chests in the media, in the intellectual discussion groups, in Washington, DC, and in the Halls of Congress about the evils of the Cuban Government and of Fidel Castro, and then kick back to light up a Cuban cigar.

Now, we have an embargo, and the American public does not imbibe in Cuban sugar or Cuban medical services, or financial services or travel, or whatever, and that is a shared sacrifice. That is a shared understanding.

But somehow among the political elites and Members of Congress, the Supreme Court, the U.S. Senate, the President's Cabinet, people can light up a cigar and go on like nothing has happened. The purpose of this amendment is just to point that out; that we ought not to have a policy that is so ragged because of the duplicity that is put in it by the opinion makers in this country. That is the purpose of this amendment. I think, Mr. Chairman, that the reaction I have gotten from my colleagues points that out; that we cannot have it both ways.

But with this policy, a lot of people in this country believe in fact that they can, they can go on and they can condemn these practices and then they can decide to smoke a Cohiba or some other Cuban cigar.

Mr. Chairman, I would urge passage of this amendment.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from Florida [Mr. DIAZ-BALART] to the amendment offered by the gentleman from California [Mr. MILLER].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. MILLER] as amended.

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. MILLER of California. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from California [Mr. MILLER] will be postponed.

The point of no quorum is considered withdrawn.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

The amendment offered by the gentleman from Florida [Mr. STEARNS]; the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH]; the amendment offered by the gentleman from New Jersey [Mr. ENGEL]; and the amendment offered by the gentleman from Washington [Mr. NETHERCUTT].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

MODIFICATION TO AMENDMENT OFFERED BY MR. SCARBOROUGH TO TITLE XVII, FOREIGN POLICY PROVISIONS

Mr. SCARBOROUGH. Mr. Chairman, I ask unanimous consent to modify a previous amendment that we are about to vote on.

The CHAIRMAN pro tempore. The Clerk will report the modification.

The Clerk read as follows:

Modification to the amendment offered by Mr. SCARBOROUGH.

At the end of the amendment, add the following:

"This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities."

The CHAIRMAN pro tempore. Is there objection to the modification offered by the gentleman from Florida?

Mr. CAPPS. Mr. Chairman, reserving the right to object, I would like the gentleman to explain the changes he has in mind, and I yield to the gentleman from Florida for that purpose.

Mr. SCARBOROUGH. Mr. Chairman, I thank the gentleman and I advise him that we were going to have the gentleman from Indiana [Mr. HAMILTON] speak to this, but the vote is coming up right away and I regret that we were not able to give the gentleman the background that we gave the gentleman from Indiana.

We add the last line, "This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to the normal diplomatic activities" in Sudan. And we did so because the gentleman from Indiana had some concerns that the language would actually hamper humanitarian efforts.

Obviously, we are concerned about persecution in Sudan, and we want to do everything we can do to expedite humanitarian assistance to the people in that troubled land, so we have agreed to work with the gentleman from Indiana in any way we can to ensure that humanitarian assistance to Sudan would not be adversely affected.

Mr. CAPPS. Mr. Chairman, further reserving my right to object, I yield to the gentleman from Indiana [Mr. HAMILTON].

Mr. HAMILTON. Mr. Chairman, I thank the gentleman for yielding to me, and I want to express my appreciation to the gentleman from Florida for

his amendment. I think it is a worthy objective.

I certainly do not intend to object. I do simply want to indicate to him that I think the amendment needs further refinement, and I have appreciated the fact that he is willing to work with me and others, and I think the chairman of the committee, to try to achieve that.

For example, I think under the language as it stands, it may be the case that United States nationals could not receive payment for claims from the Sudanese Government even for a terrorist act. It is possible under the language that U.S. nationals could no longer travel to the countries, even journalists, for example.

I simply point these things out, not to object to the gentleman's amendment, but to raise concerns about it and to say that I will work with him to tighten the amendment and to refine it, and I appreciate very much his willingness to do that.

Mr. SCARBOROUGH. Mr. Chairman, if the gentleman will continue to yield, I thank the gentleman from Indiana, and I certainly would defer to the judgment of the chairman and the ranking member on matters such as this. Obviously, they have had experience in these areas much longer than I have. So, actually, I look forward to working with the chairman and the ranking member.

Mr. CAPPS. Mr. Chairman, I withdraw my reservation of objection.

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

Mr. GILMAN. Mr. Chairman, reserving the right to object, and I do not intend to object, I merely wish to advise the gentleman that we accept his amendment.

Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

The CHAIRMAN pro tempore. The modification is agreed to.

The text of the amendment, as modified, is as follows:

Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.

(a) FINDINGS.—The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(c) FINANCIAL TRANSACTIONS WITH TERRORISTS.—Notwithstanding any other provision of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department), shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism. This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities.

AMENDMENT OFFERED BY MR. STEARNS

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Florida [Mr. STEARNS] on which further proceedings were postponed and on which the noes prevailed by a voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. STEARNS: At the end of title XVII insert the following new section:

SEC. . STUDY OF THE UNITED NATIONS.

It is the sense of the Congress that the President and the Permanent Representative of the United States to the United Nations should strongly encourage the United Nations to establish a commission to study, report promptly, concerning—

(1) establishing a new location for the headquarters for the United Nations; and

(2) to establish the United Nations as a part-time body.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 108, noes 315, not voting 11, as follows:

[Roll No. 170]

AYES—108

Aderholt
Bachus
Barr
Bartlett
Barton
Bilbray
Bono
Brady
Burr
Burton
Callahan
Campbell
Chambliss
Chenoweth
Christensen
Coble
Collins
Combest
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Deal
DeLay
Doolittle
Dreier
Duncan
Dunn
Emerson
Ensign
Everett
Foley
Fowler
Gekas
Gibbons
Goode
Goodlatte
Goodling
Green
Gutknecht
Hall (TX)
Hansen
Hastings (WA)
Hayworth
Hefley
Hill
Hilleary
Hostettler
Hulshof
Hunter
Hutchinson
Istook
Jones
Kingston
Klug
Largent
Lewis (KY)
Lucas
Manzullo
McInnis
McIntosh
McKeon
Metcalf
Moran (KS)
Neumann
Norwood
Nussle
Paul
Paxon
Pombo
Radanovich
Regula
Riley
Rogan
Rohrabacher
Royce
Ryun
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shimkus
Shuster
Smith (MI)
Smith, Linda
Solomon
Souder
Spence
Stearns
Stump
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Young (AK)

NOES—315

Abercrombie
Ackerman
Allen
Andrews
Archer
Armey
Baesler
Baker
Baldacci
Ballenger
Barcia
Barrett (NE)
Barrett (WI)
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Buyer
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Clay
Clayton
Clement
Clyburn
Coburn
Condit
Conyers
Cook
Costello
Coyne
Cummings
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Ehrlich
Engel
English
Eshoo
Etheridge
Evans
Ewing
Fattah
Fawell
Fazio
Filner
Forbes
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Graham
Granger
Greenwood
Gutierrez
Hall (OH)
Hamilton
Harman
Hastert
Hastings (FL)
Hefner
Herger
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Houghton
Hoyer
Hyde
Inglis
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Kanjorski
Kaptur
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Redmond
Reyes
Rivers
Rodriguez
Roemer
Rogers
Ros-Lehtinen
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Shaw
Shays
Sherman
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Snowbarger
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh

Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOT VOTING—11

Borski
Farr
Flake
Foglietta
Kasich
Molinari
Pryce (OH)
Riggs
Rothman
Salmon
Schiff

□ 1432

Messrs. SMITH of Texas, McCOLLUM, SAM JOHNSON of Texas, DICKEY, and GORDON changed their vote from "aye" to "no."

Messrs. THUNE, DELAY, BACHUS, SANFORD, WELLER, GOODLATTE, and CRAMER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Chairman, on rollcall No. 170. I was unavoidably detained and could not be present to vote had I been present, I would have voted "no."

AMENDMENT, AS MODIFIED, OFFERED BY MR. SCARBOROUGH

The CHAIRMAN pro tempore (Mr. EWING). The unfinished business is the demand for a recorded vote on the amendment, as modified, offered by the gentleman from Florida [Mr. SCARBOROUGH] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment, as modified.

The text of the amendment, as modified, is as follows:

Amendment, as modified, offered by Mr. SCARBOROUGH:

Page 185, after line 17, insert the following section:

SEC. 1717. UNITED STATES POLICY REGARDING RELIGIOUS PERSECUTION AND SUPPORT OF TERRORISM BY SUDAN.

(a) FINDINGS.—The Congress finds the following:

(1) Continued disregard of the freedom of religion by Sudan is unacceptable.

(2) Continued support of terrorist activities by Sudan is of deepest concern and shall not be tolerated.

(c) FINANCIAL TRANSACTIONS WITH TERRORISTS.—Notwithstanding any other provisions of law, the exception with respect to Sudan under section 2332(a) of title 18, United States Code (provided in regulations issued in August 1996 by the Office of Foreign Assets of the Treasury Department) shall cease to be effective on the date of the enactment of this Act. No such exception under such section may be issued with respect to Sudan until the President certifies to the Congress that Sudan is no longer sponsoring or supporting terrorism. This restriction shall not be interpreted to restrict humanitarian assistance or transactions relating to normal diplomatic activities.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 9, not voting 10, as follows:

[Roll No. 171]

AYES—415

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (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
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—9

Campbell
Conyers
Harman
Hinchey
Kucinich
LaFalce
Paul
Rahall
Watt (NC)

NOT VOTING—10

Borski
Farr
Flake
Hall (OH)
Molinari
Owens
Rothman
Salmon
Schiff
Thune

□ 1440

Mr. CONYERS changed his vote from "aye" to "no."

Mr. SPENCE changed his vote from "no" to "aye."

So the amendment, as modified, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from New York [Mr. ENGEL] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ENGEL:

At the end of title XVII (relating to foreign policy provisions) add the following (and conform the table of contents accordingly):

SEC. 1717. SANCTIONS AGAINST SYRIA.

(a) FINDINGS.—The Congress finds the following:

(1) Syria remains in a state of war with Israel and maintains large numbers of heavily armed forces near the border with Israel.

(2) Syria occupies Lebanon with almost 40,000 troops and maintains undue influence on all aspects of the Lebanese Government and society.

(3) Syria continues to provide safe haven and support for several groups that engage in terrorism, according to the Department of State's "Patterns of Global Terrorism" report for 1996.

(4) Syria was listed by the Department of State as a country that does not cooperate in the war on drugs.

(5) Syria has not signed the Chemical Weapons Convention, and numerous reports indicate that Syria has increased the production and level of sophistication of chemical weapons. Reports also indicate that such unconventional warheads have been loaded on SCUD-type ballistic missiles with the range to reach numerous targets in friendly nations, such as Israel, Turkey, and Jordan.

(6) Syria routinely commits a wide array of serious human rights violations, and according to a recent Human Rights Watch report, is engaging in the abduction of Lebanese citizens and Palestinian refugees in Lebanon.

(7) Several reports indicate that Syria knowingly allowed the explosives used in the June 1996 Dharan bombing, which killed 19 United States service personnel, to pass through Syria from Lebanon to Saudi Arabia.

(8) More than 20 trips by former Secretary of State Christopher to Damascus, a meeting between President Clinton and Syrian President Hafez Assad, and a Department of State-sponsored intensive negotiation session at Wye Plantation were all unsuccessful in convincing Syria to make peace with Israel. At the same time, most reports indicated that Israel was prepared to make substantial concessions of land in exchange for peace.

(9) According to the Central Intelligence Agency World Fact Book of 1995, petroleum comprises 53 percent of Syrian exports.

(10) By imposing sanctions against the Syrian petroleum industry, the United States can apply additional pressure against Syria to press the Assad regime to change its dangerous and destabilizing policies.

(b) POLICY.—It is the sense of the Congress that the United States should consider applying to Syria sanctions which are currently enforced against Iran and Libya under the Iran and Libya Sanctions Act of 1996 if the Government of Syria does not eliminate its dangerous and destabilizing policies.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 410, noes 15, not voting 9, as follows:

[Roll No. 172]

AYES—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
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
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Ryun
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
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)

NOES—15

Bonior
Conyers
Hall (TX)
Hamilton
John
Kucinich
LaFalce
LaHood
McDermott
Minge
Obey
Paul
Rahall
Sabo
Waters

NOT VOTING—9

Farr
Flake
Hall (OH)
Livingston
Molinari
Rothman
Rush
Salmon
Schiff

□ 1449

Mr. BONIOR changed his vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. NETHERCUTT

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Washington [Mr. NETHERCUTT] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is as follows:

At the end of the bill add the following section:

SEC. . SENSE OF CONGRESS RELATING TO THE ABDUCTION AND DETAINMENT OF DONALD HUTCHINGS OF THE STATE OF WASHINGTON.

(a) FINDINGS.—The Congress makes the following findings:

(1) Al-Faran, a militant organization that seeks to merge Kashmir with Pakistan, has waged a war against the Government of India.

(2) During the week of July 2, 1995, Al-Faran abducted Donald Hutchings of the State of Washington, another American John Childs, and 4 Western Europeans in the State of Jammu and Kashmir. John Childs has since escaped.

(3) Al-Faran has executed one hostage and threatened to kill Donald Hutchings and the remaining Western European hostages unless the Government of India agrees to release suspected guerrillas from its jails.

(4) Several militants have been captured by the Indian Government and have given conflicting and unconfirmed reports about the hostages.

(5) Donald Hutchings and the 3 remaining Western European hostages have been held against their will by Al-Faran for nearly 2 years.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) the militant organization Al-Faran should release, immediately, Donald Hutchings and 3 Western Europeans from captivity;

(2) Al-Faran and their supporters should cease and desist from all acts of hostage-taking and other violent acts within the State of Jammu and Kashmir.

(3) the State Department Rewards Program should be used to the greatest extent possible to solicit new information pertaining to hostages; and

(4) the governments of the United States, the United Kingdom, Germany, Norway, India, and Pakistan should share and investigate all information relating to these hostages as quickly as possible.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The CHAIRMAN pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, answered "present" 1, not voting 8, as follows:

[Roll No. 173]

AYES—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
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
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
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
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
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Paul

NOT VOTING—8

Farr
Flake
Hall (OH)
Livingston
Molinari
Rothman
Salmon
Schiff

□ 1458

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. PAXON

Mr. PAXON. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997.

Mr. PAXON. Yes, it is, Mr. Chairman.

The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PAXON:

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—OTHER FOREIGN POLICY PROVISIONS

SEC. 1801. CONDEMNATION OF PALESTINIAN DEATH PENALTY FOR LAND SALES.

(a) FINDINGS.—The Congress finds the following:

(1) In recent weeks, senior officials of the Palestinian Authority have announced that the death penalty will be imposed on anyone who sells land to a Jew, based on a now-repealed Jordanian law, even in Israel.

(2) Palestinian Authority Chairman Yasser Arafat stated on May 21, 1997, "Our law is a Jordanian law that we inherited . . . and sets the death penalty for those who sell land to Israelis. . . . We are talking about a few traitors, and we shall implement against them what is written in the law books.".

(3) Palestinian Authority Justice Minister Freih Abu Middein stated on May 5, 1997, "I warned the land dealers several times through the media not to play with fire. For us, whoever sells land to Jews and settlers is more dangerous than collaborators. Therefore, they must be put on trial and sentenced to death . . . they are traitors.".

(4) Palestinian Authority Justice Minister Freih Abu Middein stated on May 28, 1997, "it is obligatory to forbid the sale of land in Ramle, Lod, the Negev, and everywhere else. . . . There are many [land dealers] who have fled from Palestine, but anyone who has broken this serious law will remain a wanted fugitive by the Palestinian people, wherever he may go.".

(5) Legislation implementing the death penalty was prepared for consideration by the Palestinian Legislative Council, but has not yet been considered.

(6) Since the pronouncement of senior Palestinian leaders, at least three Palestinians have been killed for selling land to Israelis, some after visits or other scrutiny by Palestinian security officials. There is further evidence that the killings were committed by Palestinian security officials.

(7) Three Palestinians were extrajudicially executed following their sale of land to Israelis.

(8) The International Covenant on Civil and Political Rights, to which the United States is a party, states, "sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of commission of the crime. . . . This penalty can only be carried out pursuant to a final judgement rendered by a competent court.".

(9) The United States has made a financial commitment to the Palestinian Authority with the understanding that the rule of law would prevail, that there would be no official sanction to extrajudicial killings or violations of human rights, and that basic principles of peaceful and normal relations would be upheld.

(10) Despite claims to the contrary, there is no law in Israel forbidding the sale of land to Arabs or people of other ethnicities or nationalities.

(b) DECLARATIONS OF POLICY.—The Congress declares the following:

(1) The Congress condemns in the strongest possible terms the abhorrent policy and practice of murdering Palestinians for sales of land to Jews. Such actions are violations of international law and the spirit of the Oslo agreements, casting strong doubt as to whether the Palestinians are in compliance with their commitments to Israel. The Congress finds the endorsement and encouragement of this practice by the most senior leadership of the Palestinian Authority to be reprehensible.

(2) The Congress demands that this practice of murder and racism be condemned and renounced by the Palestinian leadership and that it will end immediately. If it does not, the Congress should not permit the provision of direct aid to the Palestinian Authority when the Middle East Peace Facilitation Act of 1995 is considered for reauthorization. The Congress urges the President to take this practice fully into account as he now determines whether the Palestinian Authority is in compliance with its commitments to Israel, which he must do in accordance with the Middle East Peace Facilitation Act of 1995.

(3) The Congress strongly urges the Palestinian Legislative Council to reject categorically legislation imposing the penalty of death on those who sell land to Israelis.

(c) TRANSMISSION OF COPIES.—The Clerk of the House of Representatives and the Secretary of the Senate are directed to transmit copies of this section to the President of the United States, the Secretary of State, the United Nations Secretary General, the United States Ambassador to Israel, the Consul General of the United States in Jerusalem, Israel, the Rais of the Palestinian Authority, all members of Palestinian Legislative Council, and the office of the Palestine Liberation Organization in Washington, District of Columbia.

Mr. PAXON (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

□ 1500

Mr. PAXON. Mr. Chairman, I come to the floor today to discuss a serious matter that threatens the continued progress toward peace in the Middle East. Early last month we became aware that Yassir Arafat demanded that action be taken to prevent the sale of land to Jews. The Palestinian Authority's Justice Minister later announced the death penalty, death penalty for any Palestinian who sold land to Jews.

Since this announcement, three Palestinians who sold land to Jews have been murdered. There is now a substantial body of evidence showing the involvement of the Palestinian Authority police officers in these murders. Two of the victims were interrogated just days prior to their murder, and in the case of the third victim, one of the suspects under arrest is an active duty Palestinian Authority police officer.

The Israeli Government now says that they have evidence that the chief of the Palestinian General Security Service in the West Bank was directly, directly involved in carrying out two of these killings.

Now, my colleagues, what has been the response of Yassir Arafat to these murders? On May 16, Arafat was quoted in an Arab newspaper as saying, and I am quoting him here,

> Recently a decision was passed to punish anyone who sells land, property or homes. We are keeping track of land dealers and we are punishing them.

Later in May the Palestinian Justice Minister expanded this death threat even to Arabs living in Israel outside of the control of the Palestinian Authority.

In brief, my amendment condemns the abhorrent policy of murdering Palestinians for the sale of land to Jews. It also calls upon the Palestinian Authority to condemn this practice and for the Palestinian Legislative Council to reject any legislation imposing the death penalty for the sale of land.

After reviewing and discussing this matter with my colleagues, I think it is clear that we must consider terminating direct U.S. assistance to the Palestinian Authority when we consider extension of the Middle East Peace Facilitation Act later this summer.

Mr. Chairman, the behavior of Yassir Arafat and other members of the Palestinian Authority is completely unacceptable, and we must demand that the Palestinian authorities publicly condemn these reprehensible actions and take necessary steps to ensure that there are no more killings.

I want to be clear: This amendment is not directed to the Palestinian people, but to the leadership of the Palestinian Authority, whose commitment to the Oslo Accords are certainly called into question by their recent actions.

This amendment is necessary today because Congress cannot stand by and allow the peace process to be wrecked. I would hope that the Palestinian leadership will heed our warnings today and put an end to these murders so that this body will not be forced to terminate direct U.S. assistance.

I understand that the State Department is in the process of completing a report to determine if the Palestinian Authority is in full compliance with all of their peace commitments to Israel. I would hope that the State Department take notice of this amendment today and carefully weigh the statements of Yassir Arafat and the recent killings before they make their final certification.

Mr. Chairman, I am pleased to be joined in this effort by my distinguished colleague and friend from New York [Mr. ENGEL] and other Members of this body on both sides of the aisle.

Mr. ENGEL. Mr. Chairman, I rise in support of the gentleman's amendment.

Mr. Chairman, I join with my good friend and colleague, the gentleman from New York [Mr. PAXON] in sponsoring this amendment today. Certainly he said it all. It is an absolute outrage that we would even think about such a proclamation whereby anybody would be threatened with death for selling land to Jews.

I ask my colleagues to imagine if the shoe was on the other foot and if it was reserved, if the Government or Israel or any other government issued such a decree that if land was sold to another group, that person would be condemned to death? It is just outlandish and outrageous to even think that this could happen.

Mr. Chairman, we call on the Palestinian Authority to condemn this practice. Simple enough, it ought to be condemned. If you say you are for peace, if you are for the peace process, if you believe in coexistence, then this practice should be condemned.

We do not believe that it ought to be coddled, we do not believe that the Palestinian Authority, whether it is Mr. Yassir Arafat or anybody else, ought to again be allowed to speak out of 16 sides of his mouth.

Now, I am very, very disturbed because I would like to read into the RECORD some quotes. In recent weeks, some officials of the Palestinian Authority have announced that the death penalty will be imposed on anyone who sells land to a Jew, based on a now repealed Jordanian law, even in Israel.

Now, listen to this: Palestinian Authority Chairman Yassir Arafat stated on May 21 of this year, and I quote,

> Our law is Jordanian law that we inherited and sets the death penalty for those who sell land to Israelis. We are talking about a few traitors, and we shall implement against them what is written in the law books.

Another quote: Palestinian Authority Justice Minister Freih Abu Middein on May 5 said,

> I warned the land dealers several times through the media not to play with fire. For us, whoever sells land to Jews and settlers is more dangerous than collaborators. Therefore, they must be put on trial and sentenced to death. They are traitors.

The third quote: Palestinian Authority Justice Minister Freih Abu Middein stated on May 28,

> It is obligatory to forbid the sale of land in Ramle, Lod, the Negev, and everywhere else. There are many land dealers who have fled from Palestine, but anyone who has broken this serious law will remain a wanted fugitive by the Palestinian people wherever he may go.

I submit to my colleagues that this kind of language is unacceptable, absolutely unacceptable and reprehensible and ought to be condemned in the strongest possible words by this legislative body. Certainly, those of us in the Congress that believe in the peace process may have disagreements from time to time, but certainly to say that they will absolutely murder anybody who sells land to Jews is not something that any civilized nation should tolerate.

As my colleague from New York pointed out, there have already been three murders. There is no doubt about it that those people were murdered because they were looked upon as having sold land to Jews. We cannot tolerate this. We cannot put up with this. We must condemn it. It violates international law. It is a racist policy. It is something that every person in this world and every country that believes in freedom and democracy ought to condemn in the strongest possible terms. The United States should consider suspending aid that is in this bill. It does not mandate it, it says we should consider it, because I think there has to be some kind of accountability.

Mr. Chairman, at what point do we say enough is enough? At what point do we say that actions speak louder than words? We need to absolutely say that it is not enough to say you are for peace, but on the other hand, you make these kinds of proclamations and you sort of judge it and say I will play it both ways. We cannot agree to have the Palestinian Authority say one thing in English for American consumption, American television consumption, and quite another thing in their own language to their own people, certainly when we are talking about murdering people.

Let me say one final thing. These are Palestinians that were murdered by Palestinians. These are people that were condemned to death because they were perceived as selling lands to Jews. So this is nothing that is inherent in an Arab-Israeli conflict. These are Palestinians murdering Palestinians, and it ought to be condemned in the strongest possible terms.

Mr. Chairman, I commend my colleague from New York [Mr. PAXON] for putting forth this resolution with me and others who are going to speak, and I urge a very, very strong "yes" vote from my colleagues.

Mr. GINGRICH. Mr. Speaker, I move to strike the last word.

Mr. Chairman, I rise in strong support of the Paxon amendment, and I commend the gentleman for bringing forcefully to this Congress' attention the fact that there is a new campaign of brutality in the Middle East that threatens the lives of innocent people and the spirit of the peace process.

Imagine this: People whose only crime is selling privately owned land are being killed because they are selling to Israelis. This simply must stop. One might imagine that the Palestinian leadership, engaged as they are in a peace process with Israel, would have been the first to condemn these outrageous killings. But that has not been the case, far from it. Instead, the Palestinian leadership have been instigators in these killings.

On May 5, Palestinian Authority Justice Minister Freih Abu Middein announced that, "The death penalty will be imposed on anyone who is convicted of selling one inch of land to Israel. Even middlemen involved in such deals will face the same penalty."

On May 16, Palestinian Authority Chairman Yassir Arafat said, "We are taking forceful steps against those who do this. Recently a decision was passed to punish anyone who sells land, property or homes. We are keeping track of land dealers and punishing them."

Three Arab realtors have now been brutally murdered under Palestinian control. Israeli security forces have collected evidence implicating the Palestinian Authority security forces directly in the assassinations. Incredibly, the Palestinian Authority continues to strongly defend the acts. The justice minister stated on June 1, "I advise the land dealers to commit suicide instead of getting killed and having their bodies thrown here and there."

In addition, the Palestinian Authority has marked 16 other Arab realtors for death and turned over their names to Palestinian Authority security organizations for execution, according to Israeli defense officials. Fortunately, Israel has been able to foil some of these attempted executions. On May 31, Israeli police arrested six heavily armed Palestinians, at least four of whom were Palestinian Authority policemen, during the attempted abduction of Assad Rajabi, a Palestinian resident of Jerusalem. Also on May 31, three Palestinian Authority policemen attempted to break into the Jerusalem home of Mohammed Abu-Meleh. When family members began screaming, Arab soldiers arrived and the Palestinian Authority policemen fled.

These extrajudicial murders and their endorsement by the Palestinian Authority leadership cast strong doubt on the leadership's commitment to peace. The Palestinians must be on notice that these senseless acts must stop. The vigilante murder of realtors by Palestinian security officials is an egregious violation of human rights and of international norms. The killings must be renounced by the Palestinian leadership and end immediately. If not, I, for one, will actively oppose the continuation of any aid to the Palestinian Authority.

This is the kind of action we identify with Nazis. This is the kind of racist activity that the planet holds to be reprehensible and unacceptable.

Mr. Arafat, you owe it to the world to stop this kind of killing, to protect people engaged in decent commerce, and I think everybody in the United States should take notice. There can be no peace process with murders, torturing, and killings of innocent people only because they sold to somebody who might not be racially or religiously acceptable. That is the behavior of Nazis. That is not a behavior that this country will tolerate.

For every person who went to the Holocaust Museum, consider carefully how it begins. Look at what is happening in Palestine now. Mr. Arafat, I think it is time for you to publicly condemn it. It is time for your security forces to provide security to the innocent, and we serve notice that the United States, at least this House, is paying careful attention to deeds, not simply words.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in support of the amendment, and I want to commend the two gentlemen from New York, [Mr. PAXON] and [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH], and the gentleman from New Jersey [Mr. SAXTON], for introducing this amendment and pushing it forward.

I think no matter how any of us might feel about the death penalty, all of us would find it deeply troublesome that it might be applied to someone involved in a commercial transaction, the sale of land, and that it would be applied based on an ethnic, religious, or nationalist identity of the buyer or the seller.

□ 1515

It is simply outrageous, as the Speaker has said and others, that any member of the Palestinian leadership would make any statement that, implicitly or otherwise, endorses individuals taking the law into their own hands to carry out acts of vengeance against other Palestinians who may be involved in such land sales.

The Palestinian authority has made some positive steps toward establishing accountable institutions of governance. I believe they are trying to establish a system based on the rule of law. But as the instances that have been called to our attention show, they have a very long way to go. These statements that have been quoted by their leaders are a definite step backward.

I want to make clear that all of us should understand just how sensitive the transfer of land by Palestinians to Israelis and Israelis to Palestinians is. Who controls that land is one of the central issues with which the peace process must grapple. For many Israelis and Palestinians, the sale of land to the other party is perceived as an act of treason.

The Israeli press, for example, has given extended coverage to a protracted and very ugly legal battle in

Israel where one Israeli Jew has filed suit against an Israeli Jewish neighbor for selling their family home to an Israeli Arab. The Israeli Jewish family who sold the home has been subject to extreme harassment, as well as to court action.

Mr. Chairman, I highlight this case only to underscore how sensitive an issue we are confronting here, and how extensive the sensitivities are on the part of all parties. I support this amendment because I do not support anyone being put to death for the sale of land. I am critical of the lack of adherence to the rule of law by the Palestinian authority. I understand; there are legitimate concerns about various activities involving land sales at this point. I want to underscore to the Palestinians and the Israelis the importance of resolving these disputes when they occur on an individual level through a credible legal process, and on the larger level of issues between the parties at the negotiating table. I urge the adoption of the amendment.

Mr. SAXTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to first commend the gentleman from New York [Mr. PAXON], the gentleman from New York [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH] for bringing this matter to the floor.

Mr. Chairman, as everyone has heard here today, it is not pleasant but it is not difficult to describe the actions of the Palestinian Authority and their policy, which is simply stated as: Death to those who would sell land to Jews and other Israelis.

Unfortunately, there have been those of us who have stood in this well a year ago and 2 years ago and suggested that things were not as we all had hoped they would be with the peace process. This is perhaps the most dramatic action that has been taken that serves as an example, but only one of a number of examples, of the attitude of the leadership of the Palestinian Authority, of course, involving most directly Yasser Arafat.

Over the last 2 years in particular, we have time and again called upon the Palestinian Authority to recognize the right of Israel to exist. But instead, we heard nothing. We also called, time and again, for the fulfillment of the promise that Yasser Arafat made in the Oslo Accords and in subsequent statements when he promised to condemn terrorism but never did.

We also view a map of Palestine on Palestinian letterhead which includes the land of Israeli, and we have spoken out as forcefully as we could to suggest to the Palestinian Authority that it would be a good idea to remove that parcel of land that is known to the West and to the world as the State of Israeli from inclusion on their map, but it is still a part of their map.

We have heard speeches aplenty from Yasser Arafat, one set of words in English and yet another set of words, quite different, in his native tongue. So when we began to hear in the media and hear other reports that there was a new Palestinian policy or a reawakened Palestinian policy of threatening to kill, in the beginning, those who sold land to Israelis, and particularly to Jews, and then later when we heard that, in fact, Palestinians who carried out that act that we consider in a free society an act of daily commerce, without discrimination, in this country, at least, and in most of the Western world, and, in fact, in most of the world, about who can sell land to whom; when we saw that policy carried out at least on three occasions when Palestinians were, in fact, killed, exhibiting or carrying out their rightful act of commerce, selling land to others, it reminded, I guess, the Western world that perhaps those of us who have been talking about the recognition of Israel as was promised, who have been talking about the condemnation by the Palestinian Authority of terrorism, who have been talking about the use of the territory or the country of Israel included in the map of Palestine, and who have listened carefully in Arabic and in English to Yasser Arafat's speeches; in short, I think it would be good to say that if Yasser Arafat does change his actions, we are all for peace. But in light of the fact that Yasser Arafat has established a clear track record, the most dramatic part of which is killing his own people who sell land to Jews, it seems to me that it is incumbent upon us to follow the leadership of those who say that we should not support this type of a regime.

The question to my fellow Members is simply this: What kind of regime are we supporting, with upward of $100 million a year in financial assistance? A regime that has this record, that has been spelled out clearly by other Members before me here today, including the Speaker. Is this regime going to uphold basic human rights or human law? Their record clearly, clearly suggests otherwise.

Mr. Chairman, therefore I join with those who say today that it is time for us to take stock, review our policy on aid to the Palestinian Authority, and I urge all Members to vote in the affirmative on this amendment.

Mr. DEUTSCH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think for most of us in the Congress and most Americans, if we have heard about the statements of the Justice Minister of the Palestinian Authority or, for that matter, if we have heard or read the statements of Yasser Arafat himself on this issue, it is almost impossible for us to believe that they have actually said what they have said. The statements, which, in fact, have led to deeds as well, are so far from any concept that we as a society and we as a world society hold as values that we want to live by, it is just absolutely almost literally unbelievable.

There are particular parts of the statements, and the activities, I think are particularly offensive. It truly is a pleasure this afternoon to join the Speaker in his comments toward this point as well. Because the statements have not just been to prohibit commerce, but the statements absolutely, specifically have been directed against Jews.

It is a scary thing, it is a scary thing in 1997 that someone who is a leader by definition on the world stage, a leader by definition in the Middle East, Yasser Arafat, at the present time specifically says that if someone sells property to a Jew that the death penalty is an appropriate punishment, without mincing words, without hiding it; saying the same in English and Arabic in terms of his statements: that if someone sells property to a Jew, the appropriate penalty is death.

It is hard in some ways to conceive how the Israelis can stay in the peace process and negotiate with someone who has that frame of reference, who speaks that way, and, in fact, on many occasions has acted that way as well.

There is no alternative to a peace process, but I think that my colleagues and the American people unfortunately need to understand some of the challenges that the Israelis are literally living and occasionally dying with in terms of their partners in peace.

It is also, again, not just the statements but what appears, unfortunately, to be consistent evidence of state apparatus being used to kill people for that action up to the point that has been mentioned, but just absolutely incredulous that it occurred, and irrefutably this occurred; that members of the Palestinian police force actually entered Israel, kidnapped someone who was a land trader, and but for really luck and circumstance, were prevented from leaving Israel and the kidnapping was foiled by Israeli security forces, and using state apparatus to carry through this incredulous threat and action.

Mr. Chairman, I urge my colleagues to support this amendment. I think it is a clear statement that we are making that as partners in a peace process, and the Palestinian Authority is the United States's partner in the peace process, this is not just a peace process involving the Israelis and the Palestinians, the United States of America, this Congress, the American people are part of that process as well. We are a part of it in many ways. We are a part of it directly in terms of our aid, and we are part of it in terms of our support at every level. It is a well known

fact that both Oslo I and Oslo II were signed in the city of Washington.

But I think what is clear and what we are saying is that there is a limit to our partnership. It is absolutely clear that the responsibility of Yasser Arafat is not to call for the death of Jews or the death of Arabs that sell property to Jews, but his responsibility is clearly to condemn that activity, to do everything within his power to prevent it from happening. That is the partner who will bring peace and that is the partner who we, the United States, need as our partner in this process if we are to achieve peace in that part of the world.

He must do it. If he does not, I believe very clearly that this Congress will take appropriate action as well.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I want to take this opportunity to thank the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL] for taking the initiative and offering a sense-of-Congress amendment for our conversation relating to the congressional condemnation of the disclosure of the death penalty for land sales to Jews by Palestinians and its support by Chairman Yasser Arafat.

I also want to thank the Speaker, the gentleman from Georgia [Mr. GINGRICH], for his eloquent remarks in support of this amendment. In recent weeks senior officials of the Palestinian Authority announced that the death penalty would be imposed on anyone who sells land to Jews, and three Palestinian men have been murdered, most likely by Palestinian Authority security forces, despite the lack of any legislation implementing the death penalty by the Palestinian Legislative Council.

□ 1530

Approximately 1 month ago, I wrote to Palestinian Legislative Council Speaker Ahmed Kurei urging that the Palestinian Legislative Council not take up such a heinous proposal. The United States has provided substantial assistance to the Palestinians based on the assumption that the rule of law would prevail, that there would be no official sanctions to extrajudicial killings or any violations of human rights, and that basic principles of peaceful and normal relations would be adopted.

Regrettably, the situation in the Palestinian autonomous region has deteriorated considerably, and the respect for human rights has been sorely lacking. Accordingly, this amendment notes that Congress condemns in the strongest possible terms the abhorrent, the abominable policy and practice of murdering Palestinians for sales of land to Jews, and we demand that this practice not only be condemned and renounced by the Palestinian leadership but that it end immediately.

This amendment further notes the sense of Congress in withholding direct assistance to the Palestinian Authority, supporting correspondence that the Senate International Relations Chairman HELMS and I recently sent to Secretary of State Madeleine Albright. An additional $1.25 million has been on hold, funds that were intended to be spent on training for the finance ministry staff, until repudiation of this practice takes place.

The Paxon-Engel amendment, Mr. Chairman, also expresses strong doubt that the Palestinians are in compliance with their commitments to Israel because of this despicable practice, which is in violation of the spirit of the Oslo accords and of international law. This amendment also urges the President to take this practice fully into account in determining when the Palestinian Authority is in compliance with its commitments.

Accordingly, Mr. Chairman, this amendment is fully supported and accepted by our committee, with the hope that Chairman Arafat and the Palestinian Authority and this administration will closely heed our grave congressional concerns. I invite my colleagues to fully support this measure.

Mr. NADLER. Mr. Chairman, I move to strike the requisite number of words.

I rise in strong support of this amendment, and I would like to join my colleagues in congratulating the gentleman from New York [Mr. PAXON], the gentleman from New York [Mr. ENGEL], and the gentleman from Florida [Mr. DEUTSCH] for introducing it.

Mr. Chairman, this amendment would express the sense of Congress to condemn the Palestinian Authority for its policy and practice of executing Palestinians who sell land to Jews. This policy we have heard described today is an obnoxious policy and an illegal policy, a racist policy; obviously, it is all those.

We have also heard that Chairman Arafat on occasion, I spoke to one Member who told me that Chairman Arafat looked him in the eye and said, "We do not condone this, we condemn this." Chairman Arafat has a long history of condoning things in one sphere, to one audience, and condemning them to another, or promoting them to one audience and denying them to another.

Mr. Chairman, Yasser Arafat said the following. He said: "We are taking forceful steps against those who do this. Recently, a decision was passed to punish anyone who sells land, property or homes. We are keeping track of land dealers and punishing them." This was an interview with the Lebanese newspaper Al-Hawadath on May 16, 3 weeks ago.

"We are keeping track of land dealers and punishing them." Well, what does punish mean?

Mr. Arafat's appointee as justice minister, Freih Abu Middein said last week, on June 4: "The land dealers must learn a lesson." This is the Palestinian Authority justice commissioner. "We have a list of names. The people included on the list and others shall be put on trial. The list includes more than 310 names." Interviewed with Al-Ayyam. They will be put on trial.

And then he says, a day later in the Washington Post, the same justice minister, "Since we are talking about committing suicide, I advise the land dealers to commit suicide instead of getting killed and having their bodies thrown here and there." So that is what a trial means to the Palestinian Authority justice minister.

When Chairman Arafat says, "We will punish them," obviously this is what they mean. Extrajudicial punishment, murder of people for ex post facto sins, the sins being committed before the announcement that it was a terrible thing to do, and this terrible thing being sale of land to Jews. We understand that sale of land to Jews by Arabs, or vice versa, for that matter, is a sensitive matter and a topic for discussion, but not a topic for a cause for murder.

Mr. Chairman, we have to understand, when we look at this, in what context this happens. We keep talking about the peace process, but rarely do we hear it mentioned, rarely are we reminded of how asymmetrical the peace process is. What is this basic peace process that we keep talking about?

The basic idea of the Oslo accord, the basic idea of the Oslo accord is that Israel is to surrender something tangible, control over land, in return for something intangible, promises of security; that the Arabs, the Palestinians, are to promise that they have given up their hope of destroying Israel and murdering its entire population and driving it into the sea, which of course has been the official position of the Palestinians, of the PLO, for decades. They are supposed to promise "We have given that up." They have said they have.

They are supposed to repeal the charter which calls for abolishing Israel and eliminating all its population. They are supposed to show by deed that they are against terror, against armed attack against Israelis, and not only condemn it but do everything they can to capture terrorists, to prevent terrorism, to give information to the Israelis, to cooperate in stopping this, in return for which they are to be given control over land, for peace.

It is a lot to ask of someone to give something tangible, land, control, control from which they can exercise measures to enhance their own safety and security, in return for something

intangible, promises, words and pieces of paper. But at least if that peace process is going to work, the whole idea, we should spend a few years before we got to the final status negotiations and give the Palestinians an opportunity to show that they meant it, that they would in fact repeal the charter eliminating, promising to eliminate Israel, that they would stop terrorism.

I regret to say they have not been showing this and this policy of murdering Palestinians who sell land to Jews is one further indication of basic untrustworthiness. If this is not reversed very quickly, we will have to conclude that the peace process may not be won, may not go in the direction it should go. And so, Mr. Chairman, I, therefore, support this amendment, and I hope it may be somewhat effective in causing the Palestinian Authority to rethink its course and to decide finally that if peace is to be achieved, a little honesty and sincerity on the part of the Palestinians is necessary.

Mr. CUNNINGHAM. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would like to thank the gentleman from New York [Mr. PAXON] and the gentleman from New York [Mr. ENGEL], but I would also let them know that the Members from California and I think every Republican and Democrat in this House and in the Senate will be supportive of this amendment.

Will we have peace in the Middle East? I do not believe so in my lifetime. I have been in Israel, like many of the Members. I flew there, flew fighters in Israel. I think that there will be a tempo of high activity and a tempo of low activity. But in our lifetime, I do not believe that there will be peace. I think from Ronald Reagan to George Bush to President Clinton, that that effort, that what we need to do is keep the pressure on to keep moving in that direction, just like we must in Bosnia as well.

But I think we do not have to go very far. There is part of a bigger problem that I would like to speak to my colleagues about. This is a symptom of a much larger problem. All you have to do is look inwardly to our own country.

This last month, all you had to do is be a cop in Washington, DC, and three of them were executed; or it was not too long ago and even today that you could end up buying a home in the wrong district, the wrong neighborhood, and you could end up with a burning cross on your front yard and, yes, you could be killed. This is a symptom of what we are seeing, I think, in the Middle East as well.

But there is a much larger, bigger problem of the terrorist activity. It was recently stated that in Iran there was a moderate cleric appointed and that possibly our negotiations with Iran might be easier. I think that is an oxymoron, a moderate cleric. Because if you look around the world between Iraq, Iran, and Libya, where most of the fundamentalist Islamic groups come out of are those three countries. Just like in France and England and Germany and, yes, even on our World Trade Center, these are all symptoms of the same despicable disease called bigotry and Islamic fundamentalism.

I think that if you look at Bosnia today, Izetbegovic, the Islamic leader in Bosnia, has over 10,000 Mujahedin and Hamas that have assembled in that country, which is a real threat to this country, with the same kind of bigotry toward the outside world, not only to Jews but to Christians as well. And it is an area in which this country must stand, as the Speaker said, and stand strong as a world leader.

With that, Mr. Chairman, I would say that we rise, I believe all of us, 100 percent, in support, and we would like to thank the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. PAXON], and the gentleman from New Jersey [Mr. SAXTON].

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of this amendment which condemns the deplorable policy and practice of murdering Palestinians because they have sold land to Jews.

I want to thank my colleagues the gentleman from New York [Mr. ENGEL], the gentleman from New York [Mr. PAXON], and the gentleman from New Jersey [Mr. SAXTON] for introducing this amendment. There has been considerable evidence in recent weeks that Palestinian officials have endorsed, either directly or tacitly, the death penalty for Palestinians who sell land to Jews. As a result, at least three Palestinian businessmen have been ruthlessly murdered. This must not be allowed to happen again.

Whether Palestinian officials have explicitly supported this policy or approved of it with a wink or a nod is irrelevant. The facts are that Palestinians are being killed for selling land to Jews and the Palestinian authority has done nothing to stop it. This amendment calls on all Palestinian officials to unequivocally condemn this policy and bring the murderers to justice now.

Mr. Chairman, the United States has afforded the Palestinian authority several benefits that come with internationally recognized autonomy. We have entered into cooperative agreements with them on regional issues. We have engaged in direct diplomatic negotiations with them. We have provided them with economic assistance.

In return we must demand adherence to the rule of law. These recent killings, which have even been linked to Palestinian security officials, represent a total disregard for the rule of law. We must demand more. If the parties are going to work together in the Middle East to bring a real peace to that region, and I for one heartily endorse our active work as facilitators to work with the parties to move us closer to peace, then we must demand more from the parties.

I rise in strong support of this amendment, Mr. Chairman, and urge its adoption.

□ 1545

Mr. FOX of Pennsylvania. Mr. Chairman, I move to strike the requisite number of words.

There can be peace in the Middle East in our lifetime, as long as all parties live up to their end of the bargain. However, the Palestinian authority, under the leadership of Yasser Arafat, who professes to be a partner for peace in the Middle East, does things that show the opposite is his real intention. He issues an edict that those Palestinians who sell land to Jews will be killed. In fact, three Palestinians have already been killed and a fourth kidnapped. Arafat's actions show he is not a partner for peace.

Moreover, Arafat does not remove from the Palestinian charter that clause which calls for the destruction of Israel. Again, Arafat's action shows he is not a partner for peace.

Yet in Israel, through the Prime Minister, Netanyahu, he has complied with the Oslo Accords and the peace process by having his government withdraw from Hebron, by restoring funds to the Palestinian authority that were promised, and by returning prisoners who had actually committed crimes against Israelis.

I stand to support the Paxon-Engel amendment because I believe it will help bring about peace, but we can only have that peace if we start having positive actions from Mr. Arafat to match his words when he calls for peace.

Mr. LINDER. Mr. Chairman, I rise today to denounce in the strongest possible terms the ghastly policy of the Palestinian Authority, which imposes the death penalty on Palestinians who would sell their land to a Jew. Clearly, this abhorrent practice is contrary to the Oslo agreements, international law, and common decency.

I would like to join my colleagues—the gentlemen from New York, Mr. PAXON and Mr. ENGEL, the gentleman from New Jersey, Mr. SAXTON, and the gentleman from Florida, Mr. DEUTSCH—in condemning the actions of the Palestinian Authority.

Time and time again, the United States has tried to work with the Palestinian Authority in good faith, but our efforts have not been reciprocated. We can not help this holy region toward peace of one of the parties abandons all sense of decency and order.

I urge my colleagues to support this condemnation, and I urge Mr. Arafat to renounce this practice of murder and racism.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentleman from New York [Mr. PAXON].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. PAYNE

Mr. PAYNE. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. PAYNE. No, it is not.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. PAYNE: At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—MISCELLANEOUS PROVISIONS

SEC. 1801. ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any other provision of law, assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and under chapter 10 of part I of such Act (relating to the Development Fund for Africa) may be made available for the Democratic Republic of Congo.

Mr. PAYNE (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from New Jersey [Mr. PAYNE] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New Jersey [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I rise in support of lifting the ban on all humanitarian assistance previously blocked for Zaire, now the Democratic Republic of Congo.

My amendment also includes waiving section 620(q) as it pertains to the Brooke amendment, specifically in regard to the Democratic Republic of Congo. We used these waivers in the past for Egypt, Ethiopia, and Nicaragua when we wanted to assist our allies.

Mr. Chairman, the Brooke amendment was placed on Zaire in 1991 when the corrupt dictatorship of Mr. Mobutu was in full force. On April 17 of this year, the gentleman from California [Mr. ROYCE] and I, along with all the members of the Subcommittee on Africa, introduced H.R. 115, a bill that called on Mobutu to step down as President of Zaire. H.R. 115 was passed overwhelmingly by this House and in response Mobutu Sese Seko resigned last month and no longer can harm the people of the Congo.

This bill is symbolic in that it was the first step in getting rid of the cruel dictators in Africa, several of whom still exist, that prevent true democracy from flourishing.

Before I came to Congress and for many years after that, I have spoken out on the corrupt military regime of Mr. Mobutu. It is alleged that Mr. Mobutu has a wealth of several billion dollars in foreign bank accounts. I introduced in the 102d Congress, in 1993, a resolution calling for the administration to draw on its power to have Mr. Mobutu resign and leave Zaire.

We all know that the Mobutu regime started with Patrice Lumumba, who was captured and killed back in the early 1960's, and there were considerable activities during the cold war. Zaire suffered from 75 years of Belgium colonialism, then France's influence on the continent, first as a colonial ruler of most of the western and central parts of the continent, then as economic and political patron of the postindependent governments. Zaire followed with 7 years of chaos and 31 years of Mobutu's dictatorship, laying a foundation for its current crisis.

Laurent Kabila, leader of the Alliance of the Democratic Forces for the liberation of the Congo, has done what so many others have wanted to do for the people of Zaire for 32 years; to rid it of Mr. Mobutu.

Today 1.1 million refugees as well returned to Rwanda and Burundi. The alliance has the support of the neighboring countries of Burundi, Rwanda, Zambia, and Angola.

I am not a pro- or anti-Kabila person, but I feel that we must start to assist the Congo in getting over the tremendous harm done by the Mobutu regime.

I met with Mr. Kabila in Goma in January of this year and traveled to the Congo recently with Mr. CAMPBELL and met with Mr. Karaha, the foreign affairs minister, and Mr. Mawapanga, the finance minister. Both ministers were very qualified and seemed anxious to begin to move the country forward to improve the quality of life for the people in that distressed land.

Mr. Kabila stated at that time that he would hold elections within 2 years. It is my understanding that Mr. Kabila will bring about a transitional government.

It would behoove us to help bring calm and order and, if possible, use our influence to allow the people to learn how democracy works and to assist that country as it moves toward democracy.

There are no roads, no independent media, no functioning police, and there has not been a census taken in years. Some believe that there are between 40 and 50 million people in Zaire, but no one really knows.

When I began my statement, I referred to a former U.S. policy in Africa that was dictated by the cold war. Now that the cold war is over, I think we need to assist in areas where we can to move toward a new democratic society in these former dictatorial countries.

Mr. Chairman, I would ask that we continue to monitor and that we work toward planning and assisting this country move toward elections, and I would hope that we would have support for this resolution.

The CHAIRMAN pro tempore. Does any Member seek time in opposition to the amendment?

Mr. GILMAN. Mr. Chairman, I ask unanimous consent that I be allowed to claim the time in opposition.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York [Mr. GILMAN] is recognized for 5 minutes.

There was no objection.

Mr. GILMAN. Mr. Chairman, there is a new beginning in the Democratic Republic of Congo. The old kleptocratic regime of Mobutu Sese Seko is now in the ash bin of history and, in many ways, the lives of the Congolese people can only improve.

Nevertheless, it is far too early to judge the merits of the new Kabila regime. A delegation led by a former colleague, and now Ambassador to the United Nations, Bill Richardson, returned from Kinshasa only a few hours ago. Another delegation from the Agency for International Development is still in the Congo and will not return for 2 more weeks. And right now the administration has no plan for any assistance to the Congo.

The Committee on International Relations has not been asked by the administration to waive the Brooke amendment, and many questions remain about human rights and the treatment of the Rwandan Hutu refugee populations. On Sunday, an article in the Washington Post detailed numerous allegations of massacres of innocent civilians by Kabila's troops in eastern Congo.

Today, human rights organizations and humanitarian agencies still do not have access to large portions of eastern Congo, the location of many of the refugees.

While these questions may all be answered satisfactorily in due time, I do not intend to oppose the amendment at this time. I will note that this is only one stage in the legislative process. In the coming days, before we go to conference, we will be putting the Kabila government on notice to support democracy and human rights before aid can go forward.

Mr. Chairman, we are pleased at this time to accept the gentleman's amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. PAYNE].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. KENNEDY of Rhode Island. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. KENNEDY of Rhode Island. Yes, it is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. KENNEDY of Rhode Island: At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. SENSE OF THE CONGRESS RELATING TO INDONESIA MILITARY ASSISTANCE.

(a) FINDINGS.—The Congress finds the following:

(1)(A) Despite a surface adherence to democratic forms, the Indonesian political system remains strongly authoritarian.

(B) The government is dominated by an elite comprising President Soeharto (now in his sixth 5-year term), his close associates, and the military.

(C) The government requires allegiance to a state ideology known as "Pancasila", which stresses consultation and consensus, but is also used to limit dissent, to enforce social and political cohesion, and to restrict the development of opposition elements.

(2) The Government of Indonesia recognizes only one official trade union, has refused to register independent trade unions such as the Indonesian Prosperity Trade Union (SBSI), has arrested Muchtar Pakpahan, the General Chairman of the SBSI, on charges of subversion, and other labor activists, and has closed the offices and confiscated materials of the SBSI.

(3) Civil society organizations in Indonesia, such as environmental organizations, election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, and community organizations, have been harassed by the Government of Indonesia through such means as detentions, interrogations, denial of permission for meetings, banning of publications, repeated orders to report to security forces or judicial courts, and illegal seizure of documents.

(4)(A) The armed forces of Indonesia continue to carry out torture and other severe violations of human rights in East Timor, Irian Jaya, and other parts of Indonesia, to detain and imprison East Timorese and others for nonviolent expression of political views, and to maintain unjustifiably high troop levels in East Timor.

(B) Indonesian civil authorities must improve their human rights performance in East Timor, Irian Jaya, and elsewhere in Indonesia, and aggressively prosecute violations.

(5) The Nobel Prize Committee awarded the 1996 Nobel Peace Prize to Bishop Carlos Felipe Ximenes Belo and Jose Ramos Horta for their tireless efforts to find a just and peaceful solution to the conflict in East Timor.

(6) In 1992, the Congress suspended the international military and education training (IMET) program for Indonesia in response to a November 12, 1991, shooting incident in East Timor by Indonesian security forces against peaceful Timorese demonstrators in which no progress has been made in accounting for the missing persons either in that incident or others who disappeared in 1995–96.

(7) On August 1, 1996, then Secretary of State Warren Christopher stated in testimony before the Committee on Foreign Relations of the Senate, "I think there's a strong interest in seeing an orderly transition of power there [in Indonesia] that will recognize the pluralism that should exist in a country of that magnitude and importance."

(8) The United States has important economic, commercial, and security interests in Indonesia because of its growing economy and markets and its strategic location astride a number of key international straits which will only be strengthened by democratic development in Indonesia and a policy which promotes political pluralism and respect for universal human rights.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the United States should not provide military assistance and arms transfers for a fiscal year to the Government of Indonesia unless the President determines and certifies to the Congress for that fiscal year that the Government of Indonesia meets the following requirements.

(1) DOMESTIC MONITORING OF ELECTIONS.—(A) The Government of Indonesia provides official accreditation to independent election-monitoring organizations, including the Independent Election Monitoring Committee (KIPP), to observe national elections without interference by personnel of the Government or of the armed forces.

(B) In addition, such organizations are allowed to assess such elections and to publicize or otherwise disseminate the assessments throughout Indonesia.

(2) PROTECTION OF NONGOVERNMENTAL ORGANIZATIONS.—The police or military of Indonesia do not confiscate materials from or otherwise engage in illegal raids on the offices or homes of members of both domestic or international nongovernmental organizations, including election-monitoring organizations, legal aid organizations, student organizations, trade union organizations, community organizations, environmental organizations, and religious organizations.

(3) ACCOUNTABILITY FOR ATTACK ON PDI HEADQUARTERS.—As recommended by the Government of Indonesia's National Human Rights Commission, the Government of Indonesia has investigated the attack on the headquarters of the Democratic Party of Indonesia (PDI) on July 27, 1996, prosecuted individuals who planned and carried out the attack, and made public the postmortem examination of the five individuals killed in the attack.

(4) RESOLUTION OF CONFLICT IN EAST TIMOR.—

(A) ESTABLISHMENT OF DIALOGUE.—The Government of Indonesia is doing everything possible to enter into a process of dialogue, under the auspices of the United Nations, with Portugal and East Timorese leaders of various viewpoints to discuss ideas toward a resolution of the conflict in East Timor and the political status of East Timor.

(B) REDUCTION OF TROOPS.—The Government of Indonesia has established and implemented a plan to reduce the number of Indonesian troops in East Timor.

(C) RELEASE OF POLITICAL PRISONERS.—Individuals detained or imprisoned for the nonviolent expression of political views in East Timor have been released from custody.

(5) IMPROVEMENT IN LABOR RIGHTS.—The Government of Indonesia has taken the following actions to improve labor rights in Indonesia:

(A) The Government has dropped charges of subversion, and previous charges against the General Chairman of the SBSI trade union, Muchtar Pakpahan, and released him from custody.

(B) The Government has substantially reduced the requirements for legal recognition of the SBSI or other legitimate worker organizations as a trade union.

(c) UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.—As used in this section, the term "military assistance and arms transfers" means—

(1) small arms, crowd control equipment, armored personnel carriers, and such other items that can commonly be used in the direct violation of human rights; and

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2347 et seq.; relating to international military education and training or "IMET"), except such term shall not include Expanded IMET, pursuant to section 541 of such Act.

Mr. KENNEDY of Rhode Island (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, the amendment I am offering today will attempt to confirm a commitment from Indonesia to cease its human rights violations throughout that country and, in particular, East Timor.

It will state the sense of this Congress that the United States should impose military sanctions on the country of Indonesia if its human rights record fails to improve.

It is very similar to provisions already included in the original version of the Foreign Policy Reform Act that were accepted in committee by voice vote.

Because the foreign aid portion of this bill is not before us today, I am offering this sense of Congress amendment in its place.

As many Members know, last week the Indonesian Government announced that they have dropped their participation in the expanded IMET military training program and have scrapped plans to buy nine F–16 fighter planes.

This action on the part of Indonesia is a major victory for all of us in this House who believe in the importance of human rights and for those of us who have worked hard to bring about change in the country of Indonesia.

It was clear they were feeling defensive, it was clear they were feeling vulnerable and, as such, they did not want to be beat to the punch and embarrassed by this Congress' action with respect to those planes. And this bill they wanted to get out of the way before this Congress expressed its strong opinion on the human rights abuses in Indonesia.

We cannot rest on this victory, however, and in fact Indonesia's official statement on this issue declared that the criticisms of this body were, and I quote, "wholly unjustified." However, the death of one-third of the people of East Timor for the past 21 years, nearly one-third of the whole population, is evidence enough that these criticisms are indeed justified.

I believe that through the visit that I have made to East Timor myself, personally, my own visits not only with the Government officials representing the Indonesian Government but also with the human rights community who are stationed there in East Timor, that I have a good appreciation of this issue.

I have spoken to both the Nobel Peace Prize winner, Jose Ramos Horta, on several occasions, both here in Washington and in my own State of Rhode Island, and I have spoken to Carlos Belo, Bishop Belo, from the East Timor parish. He has given me many examples of the terrible injustices that occur on a daily basis in East Timor by the Government of Indonesia.

Mr. Chairman, these abuses are occurring in East Timor in large part due to the free hand that the military has given in suppressing the independence movement in East Timor. There is no question that the attacks and abuses are escalating throughout the country, and I am aware that there has been much violence preceding and surrounding the so-called democratic election that has just taken place there. But anybody watching that election knows that it is far from ever being considered a democratic election when the Indonesian Government outlaws campaigning on the part of the opposition.

□ 1600

Unfortunately, Indonesia repeatedly denies that there is a problem with the human rights abuses in their country, and yet the evidence is so crystal clear. In fact, there have been instances like the St. Cruz massacre when it was captured on tape and the tape tells the truth, the truth that the Indonesian Government wants to refuse to believe, and yet we have the evidence and the statistics and the weight of the human rights community and our own State Department report. I might add, the Department of State has considered Indonesia one of the top countries that this country finds is violating human rights.

So, in this legislation, the sense of Congress, we have called for various policy reforms including free and fair elections in East Timor, respect for labor rights, protection of nongovernmental organizations, rights for the East Timorese people, and, of course, for the fair adjudication and release of political prisoners.

Mr. Chairman, that is not the current situation in East Timor. Just wearing a yellow T-shirt, celebrating Bishop Belo's receipt of the Nobel Peace Prize is enough to get you arrested and thrown in jail. In East Timor, the free and fair election, there have not been any. Protections for nongovernmental organizations, that has a dismal report.

Mr. Chairman, I would like to conclude with this one point: I visited the ICRC, the International Committee on Red Cross, and they told me they have never been busier. Well, if any of my colleagues know what the ICRC does, they look out for human rights abuses. So if they have never been busier, we know what they are talking about. It means there have never been as many human rights abuses as are going on this day.

I want to thank the gentleman from New York [Mr. GILMAN] and the gentleman from California [Mr. BERMAN] particularly for their efforts to bring us this amendment to the floor.

Mr. BEREUTER. Mr. Chairman, I do rise in objection to the Kennedy amendment because it is unbalanced in its characteristics, and it is biased by referring only to one side of the violence that has occurred and continues to occur in Indonesia.

And in contrast to what the gentleman from Rhode Island has indicated, I feel that the recently announced self-denial of E–IMET by Indonesia and their expression of no interest in purchasing American-made F–16's is not a major victory for the United States, as the gentleman intends, it is an unfortunate blow to our relationship.

The E–IMET program, or Extended IMET, is designed specifically to encourage better human rights practices and proper civil action, methods of operating and living in a civil society, for military and civilian personnel that take advantage of this training program in the United States. The F–16 sale, of course, was not something that Indonesia itself sought, but the Clinton administration, trying to find some way to dispose of F–16's that it sold to Pakistan but which could not be delivered because of the Pressler amendment, was looking for other purchasers. They found Indonesia as a possible sales prospect.

So it is understandable that Indonesia now, faced with continued opposition and criticism in this Congress, some of it entirely justified, admittedly, but an unbalanced kind of objection and a denial even of something that is in our national interest, the E–IMET program, naturally does not want that fight. The E–IMET program is not that important to them, but it certainly is a loss to us in maintaining good relations with Indonesia and to our effort to improve human rights procedures in Indonesia.

Let us take a look at some of the reasons why Indonesian-American relations are important to this country. First of all, surprising to most people in this country, Indonesia is now the fourth most populous country on Earth. There have been harsh, one-sided amendments offered in this Congress and the committee and on the floor in the past which have reduced our credibility with the Indonesian Government and the military. Why? Because the amendments, this one in particular, will be seen in Indonesia as Indonesian bashing if it is not such criticism offered in some kind of equitable and valid manner. That is to say, if it is not balanced, or if we do not remove the one-sided bias to it.

Indonesia is not Burma or Iraq. It is an important country, a key member of ASEAN, APEC, the ARF, the OIC, and the United Nations. Indonesia has played a very important role in the settlement in Cambodia and peace between the Philippines and the Moros Liberation Front. Indonesia has contributed to efforts to resolve the dispute over the Spratly Islands and has contributed to the Korean Energy Development Organization. Indonesia supported the gulf war efforts against Iraq.

Indonesia's sealanes and air routes are important to United States forces. We, of course, have major economic interest in Indonesia. Our annual bilateral trade is about $12.3 billion. But these are not reasons enough to justify or to be silent about abuses that exist there. I want to try to make this amendment of the gentleman from Rhode Island [Mr. KENNEDY] a balanced amendment.

Mr. Chairman, therefore, I will offer an amendment to the Kennedy amendment.

AMENDMENT OFFERED BY MR. BEREUTER TO THE AMENDMENT OFFERED BY MR. KENNEDY OF RHODE ISLAND

Mr. BEREUTER. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BEREUTER to the amendment offered by Mr. KENNEDY of Rhode Island:

In the Findings Section (a), after (4)(A), insert the following new sections (B) and (C):

(B) From May 27 to May 31, the East Timorese resistance forces carried out deplorable human rights violations, including the reported killing of over two dozen persons in an apparent attempt to disrupt national elections. A resistance attack on a truck resulted in the deaths of 16 policemen and one soldier. Attacks on polling places also resulted in the deaths of two election officials.

(C) Violence on the part of either the Indonesian military or the East Timorese resistance forces is not conducive to the just and peaceful solution to the conflict in East Timor.

Change former section (B) to (D) and add the following new section (E);

(E) The Indonesian authorities and the resistance forces in East Timor must refrain from human rights violations, including attacks on civilians and non-combatants.

Insert after sense of the Congress section (b) a second sense of the Congress section to be labeled (c) to read as follows:

(c) Sense of the Congress.—It also is the sense of the Congress that the violent acts of the resistance in East Timor should be condemned, as they discredit the East Timorese cause, and could result in additional violent reprisals by the Indonesian armed forces.

Renumber current section (c), United States Military assistance and arms transfers denied. It will now be numbered (d).

Mr. BEREUTER (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, as we began to hear, we have had substantial violence which is directly attributable, in substantial part at least, to the guerrilla movement in East Timor. I will read now from a report from Human Rights Watch/Asia, dated June 4, 1997.

A series of attacks between May 27 and May 31 by resistance forces in East Timor, leading to the deaths of at least 9 civilians and more than 20 military and police, has led to widespread arrests of suspected resistance supporters throughout the territory. Human Rights Watch/Asia condemns any targeting of civilians or other noncombatants by East Timorese guerrillas as being in clear violation of international humanitarian law.

That statement on the part of Human Rights Watch lays out a variety of abuses which led to death attributed to the activities of the East Timorese guerrillas. They issued a report the following day which backed away from one of those specific reported incidents, saying, "We do not have the kind of documentation we need." But basically, their assessment stands.

From the Washington Post News Service, I read to my colleagues an account from May 31, 1997. "Separatist guerrillas bombed a police truck with grenades Saturday, killing 17 officers during one of the worst outbreaks of violence in years in the disputed Indonesian territory of East Timor. The deaths raised to 41 the number of people killed in rebel attacks in the past week in East Timor."

I would like to see some of my colleagues who are concerned about violence in East Timor stand up and bring this guerrilla violence to the attention of the House under a 1-minute statement or a Special Order. That did not happen.

Let me mention to my colleagues a few more sections of the secondary amendment that I am offering here today. The following statement is a part of the amendment in addition to the section which the Clerk read: "The Indonesian authorities and the resistance forces," and bear in mind I am talking about both there, "Indonesian authorities and resistance forces in East Timor must refrain from human rights violations, including attacks on civilians and noncombatants."

Finally, in addition to the sense of Congress elements that the gentleman from Rhode Island [Mr. KENNEDY] has added, I add this sense of the Congress section:

It is also the sense of the Congress that the violent acts of the resistance in East Timor should be condemned, as they discredit the East Timorese cause and could result in additional violent reprisals by Indonesian armed forces.

So, Mr. Chairman and my colleagues, in the amendment that I have offered, I am striking nothing that the gentleman from Rhode Island [Mr. KENNEDY] has in his amendment. I am striking not a single word of it. But I am adding, by the words of my secondary amendment, an indication that violence on the part of the Indonesian rebels in East Timor is itself a very counterproductive step and one that we should deplore. This violence is not the approach to efforts to gain additional degrees of autonomy or whatever their legitimate goals might be.

Finally, I want to say as a matter of personal privilege that, of course, while I respect the organization granting the Nobel Peace Prize, I do have to say that while I certainly have nothing but praise for what I understand to be the positions and actions of Bishop Belo, I do indeed wonder about José Ramos Horta and whether or not his efforts are totally directed toward finding, as the Kennedy amendment says, a just and peaceful solution to the conflict in East Timor. I say that in part because when he came to my office earlier this year, when I visited with him, he made false reports about the conclusions and my views after we had that meeting, which he sent to Chairman GILMAN by letter. That is not the kind of conduct that I think we would expect from a person who was the corecipient of the Nobel Peace Prize, nor do I think such a false statement by Mr. Horta serves us well or serves his cause well, either.

I understand that his intent probably is to pursue independence for East Timor. That objective is contrary to U.S. policy. It is a legitimate intent on his part, but I believe he ought to use proper means for arriving at those goals. So I hope for reasons of a balanced amendment on this matter related to Indonesia, that my colleagues will support the secondary amendment offered by the gentleman to the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY].

Mr. Chairman, I am pleased to yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Chairman, I want to thank the gentleman from Rhode Island [Mr. KENNEDY] for introducing this measure and the gentleman from Nebraska [Mr. BEREUTER] for his perfecting amendment. I think it is critically important that our Nation express its concern with regard to some of the problems in Indonesia.

Although Indonesia is a critically important nation in southeast Asia, the record of the Suharto government in terms of democratic freedoms, human rights, labor rights, and basic civil liberties has significant shortcomings, as defined in this amendment. I call on all parties in and outside of the government to renounce violence and embrace peace and democratic principles in resolving all of the issues of contention in that part of the world.

Regretfully, the administration has fallen woefully short in trying to influence Indonesia in the direction of democracy and human rights. Therefore, it is appropriate for the Congress to make the President accountable for the use of the taxpayers' dollars for security assistance until he can certify an amelioration in the conditions of Indonesia.

I urge my colleagues to support this sense of Congress amendment, including the perfecting amendment by the gentleman from Nebraska [Mr. BEREUTER].

Mr. KENNEDY of Rhode Island. Mr. Chairman, I move to strike the last word.

I would like to say that we accept the Bereuter amendment. We do not condone violence on any side. I would like to follow up with a few comments with respect to the points made by the gentleman from Nebraska [Mr. BEREUTER].

That is, having visited East Timor myself this last year, I had an opportunity to sit down with Nobel Peace Prize winner Bishop Belo and spoke with him for a considerable length of time and do have a sense of how these violent occurrences are precipitated. I might add that Bishop Belo himself has said to me that there is a situation where the government is hiring East Timorese to instigate and act as catalysts for violent uprisings, because what it does is give the excuse for the Indonesian military to then crack down on whomever they want to crack down on.

I just want to add that because I have spoken to our own Department of State and some of their officials there, and there is an acknowledgment that the Indonesian government is training such, I guess, double agents, although I do not think they are agents in the cold war sense, but they are East Timorese that are on the payroll of the Indonesian Government that front for this terrorist group in East Timor and thereby justify the reprisals that the Indonesian Government then uses as an excuse to put down these uprisings in the first place. I want to point that out.

I also just want to point out that in the wake of those violent outbreaks that the gentleman from Nebraska [Mr. BEREUTER] pointed out, some of those reports are still yet to be confirmed, although I take nothing away from his effort to deplore any kind of violence.

□ 1615

I want to also add that in the aftermath of the election there were a series of roundups and manhunts by the military and widespread arrests in Dili, Baucau, Ermera and Los Palos under circumstances which torture is very

likely. Of course, we have evidence of torture of those who have been detained in jails within East Timor. I can tell my colleagues that Constantio Pinto, for example, in my district in Rhode Island has given me graphic descriptions of his time in jail when he was tortured repeatedly.

We know that Indonesia is feeling discomfort because of the attention that we are bringing to these issues. It is unfortunate that it has to affect the relationship, but the best way for Indonesia to solve this problem is to clean up their human rights abuses instead of trying to get us to not recognize their human rights abuses.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY of Rhode Island. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I would like to comment on two points the gentleman has raised. First, I would ask this question, it is rhetorical, but if the gentleman has a response to it I think the world would like to know it. What does the gentleman expect the Indonesian Government would do when up to 41, or perhaps more, people were killed by guerrillas when in fact some of them were poll watchers, and others were civilians. What does the gentleman think the response should legitimately be in that situation? Do they try to protect people and bring people to justice or not?

The second point I would raise about the allegations that the guerrillas may be or are totally on the payroll of the Indonesian Government, and I refer to those guerrillas that caused the deaths and the tragedy that took place there. I hope the gentleman does not believe that that is the case in all instances, if any. It certainly is not the view of our Government, our State Department, our intelligence agencies and those people that have spoken out on this issue. I just want to raise those two points if the gentleman cares to address them. I certainly do not believe that everybody, if anybody, if any, who killed those people at the polls is on the Indonesian Government payroll.

Mr. KENNEDY of Rhode Island. Mr. Chairman, reclaiming my time, I would like to respond to the gentleman's points.

On the first one, I clearly think that justice needs to be done, but of course there is no justice in East Timor because people can be summarily arrested and tortured without legal representation. I do acknowledge that the gentleman is correct that in the event there is any violence, there should be justice. But the justice system as it currently exists is a one-sided justice system.

On the second point in terms of the payroll, I would acknowledge that I do not think in every instance that those instigating these points of violence whereby the Indonesian Government uses as a pretext to crack down on the East Timorese, that in all those instances it is those that are on their payroll, but I would point out that it is something that is acknowledged on the ground there as being a fundamental truth of the situation.

Ms. PELOSI. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the Kennedy amendment and also further in support of the Bereuter amendment to the Kennedy amendment. Most certainly we should take every opportunity we can on the floor of the House to renounce violence, especially when there is collateral damage involved affecting the lives of civilians.

However, I do take issue with the characterization of what is happening in East Timor. I think our Members should understand that East Timor is a very small place and a large percentage of its population has been killed by the Indonesian Government. Some of that has happened with U.S. weapons. That is most unfortunate. That is why I support so strongly the Kennedy amendment as well as the gentleman's leadership for fighting this fight with such knowledge and such commitment.

The gentleman from Nebraska [Mr. BEREUTER] shared a story of his visit with Mr. Ramos Horta. I will convey mine. Last night in our community over 5,000 people turned out for a conference on nonviolence entitled the Power of Nonviolence. They all gave a standing ovation to Jose Ramos Horta for his appeal for nonviolence in East Timor and throughout the world.

Certainly there are those within a situation who may lose patience, and I think that is the biggest challenge to those who are involved in the nonviolent crusade for change, whether it is in Tibet, and His Holiness was there last night and spoke as well, whether it is in Tibet, Indonesia, or in any other country, that while the leadership of the issue, its initiatives may be based on a commitment to nonviolence, that there are those who have lost their family members, their community people to violence in Indonesia and they may take action. We reject it, we denounce it, but we do not paint every leader of the East Timor movement with the same brush.

Mr. BEREUTER. Mr. Chairman, will the gentlewoman yield?

Ms. PELOSI. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I thank the gentlewoman for yielding. I think the gentlewoman knows that current law forbids the kind of military sales to Indonesia that can be used in repressive measures against the civilian population. This amendment does not put that in place. That is a matter of law already.

I would say to the gentlewoman, I hope that she would be concerned when Mr. Horta comes into my office and after he leaves with a very clear understanding of what my point of view is, and which it happens to be the view of the official view of the U.S. Government, which I am supporting as the chairman of the Subcommittee on Asia and the Pacific, for him to go out and lie in writing about it to my chairman and mischaracterize 180 degrees is highly inappropriate. I would hope the gentlewoman would not condone that kind of activity and would be sympathetic as one Member of Congress to another on this matter. I would hope she agrees that Mr. Horta should not be using those tactics. It is unworthy of the Nobel Peace Prize.

Ms. PELOSI. Mr. Chairman, reclaiming my time, on the first point the gentleman brings up about what is the law regarding Indonesia, yes, sir, I am very well aware of it as ranking member of the Committee on Appropriations' Subcommittee on Foreign Operations, Export Financing and Related Programs. We spend a great deal of time, of our committee's time and indeed the floor time, on the issue of military weapons to Indonesia as well as on whether we should have expanded IMET or IMET to Indonesia. My problem with the expanded IMET to Indonesia is that it simply does not seem to be working or taken seriously by the Indonesian military. Certainly it would be appropriate, if properly employed, for us to train the Indonesian military in the importance of human rights in dealing with civilian populations. We just have not seen that happen. The case of East Timor I think is a tragedy for the world.

Around here, and the gentleman from Nebraska [Mr. BEREUTER] knows the respect, the esteem, in which I hold him, Roshomon lives, people go to meetings, they hear different things, they carry away a more optimistic or less optimistic view of a conversation. I respect the gentleman's view of that conversation as a Member of Congress on this floor. I would hope that the gentleman would give Mr. Ramos Horta the ability to respond back to the gentleman to say this is why I drew those conclusions, because I know him to be an honorable man, and I think that the Nobel committee chose well in honoring Jose Ramos Horta and Bishop Belo.

Mr. BEREUTER. Mr. Chairman, if the gentlewoman will yield further, I would say the gentlewoman has a very generous soul, which is one of the reasons I admire her greatly. Her putting the best characterization of the best construction on Mr. Horta's comments about my views are very generous on her part. In this case that generosity is mistaken. There is no doubt that he intentionally mischaracterized the position of this Member, but I thank the gentlewoman and say that her sentiments are a credit to her.

Ms. PELOSI. Mr. Chairman, I urge our colleagues to support the Kennedy amendment as amended by the gentleman from Nebraska [Mr. BEREUTER].

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I urge a yes vote on the amendment that has been offered by the gentleman from Rhode Island [Mr. KENNEDY] which states in a very strong way that it is the sense of Congress that the United States should not give military assistance and arms transfers to the Government of Indonesia until that Government complies with a few basic human rights benchmarks. I would like to commend the gentleman from Nebraska [Mr. BEREUTER], the chairman of the Subcommittee on Asia and the Pacific, for his perfecting amendment to put us on record in roundly condemning all violence, no matter who commits it. Violence is not an acceptable means to any end. I want to commend my friend for offering that perfecting amendment.

Mr. Chairman, for over 20 years, international human rights advocates have been calling attention to abuses by the Indonesian Government and its occupation of East Timor. Over the years the United States has provided countless millions of dollars worth of military assistance and arms transfers to the Government of Indonesia. There have been no reliable safeguards to ensure that this assistance and these transfers did not facilitate the ongoing brutality. Indonesia's Armed Forces invaded East Timor in 1975 only weeks after East Timor had attained independence from Portugal. Since then the Indonesian Army has carried out a campaign of what amounts to ethnic cleansing against the Timorese through a program of forced migration.

Persecution has been particularly harsh against the Christian majority. More than 200,000 Timorese out of the total population of 700,000 have been killed directly or by starvation in forced migrations from their villages since the Indonesian invasion. There are recent reports of renewed campaigns of repression of Catholics in East Timor. These reports include atrocities such as the smashing of statues of the Blessed Mother. The campaign has also been directed personally against the Catholic Bishop Belo, along with the independence leader Jose Ramos Horta. Bishop Belo's phones are tapped, his fax machine is monitored, his visitors are watched, and his freedom of movement is restricted. But Bishop Belo persists in his courageous efforts to defend justice, peace, and the preservation of the dignity of his people. Recently, he set up a church commission to monitor human rights abuses there and a radio station to disseminate information and news.

There have also been reports of renewed military activity by pro-independence guerrillas in East Timor. I want to make it absolutely clear that violence is unacceptable no matter who commits it. In this respect, again the Bereuter perfecting amendment strengthens the Kennedy amendment and makes it a resolution worthy of support by this body.

Mr. WOLF. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I was in my office, I saw the debate that was taking place, and I wanted to make a comment in strong support of the Kennedy amendment. I had the opportunity, as the gentleman from Rhode Island [Mr. KENNEDY] did at Christmastime, I visited East Timor in January of this year. Members ought to know Bishop Belo, who got the Nobel Peace Prize because of the nomination of the gentleman from Ohio [Mr. HALL] and others in the Congress. We visited Bishop Belo. On the Island of East Timor, there have been over 200,000 people killed in the last 20 years. If Members were to extrapolate that to the United States, I do not know what that would mean, would it mean 60 million killed or something like that? It is an unbelievable amount.

We met with Bishop Belo. We also were followed by the military and their people, but we went out in the field and talked to a number of people. We went to the Santa Cruz Cemetery, where the massacre took place. For Members who did not follow that massacre, the Indonesian army opened up fire and in cold blood killed these people at the Santa Cruz Cemetery.

We also talked to young people. First, they were afraid to speak, then we got close to them. They started to talk and told us they were afraid. The very nights we were there at 2 o'clock in the morning the Indonesian military would come into their homes and take the young people away. They would not allow them to be visited by their moms and dads.

I personally believe, and this gets a little controversial, I believe that Web Hubbell was hired by the Indonesian Government and we now later found out that Web Hubbell, after he was hired by the Indonesian Government, went to East Timor. East Timor is not the garden spot that one goes to to sit on the beaches. I believe that maybe the administration's policy changed.

The Kennedy amendment is the right thing to do. When we pass this amendment, it will send a message back to the Indonesian Government, who we have a good relationship with and we want to continue to have a good relationship with, but that we care.

Bishop Belo will be in the United States next week. I think we should pass this amendment. I did not want the time to go by without urging strong support for the Kennedy amendment. Frankly, if it were defeated, the message that that would send to the people of East Timor, 500,000 left, 200,000 killed, military occupation, up to maybe 28,000 military people all over the island. Last, there were elections 1½ weeks ago. Up to 41 people were killed. I have been urging, as I know the gentleman from Rhode Island [Mr. KENNEDY] and others feel, that this administration should appoint a special envoy. We saw that they appointed a special envoy to Cyprus, which is very good. They should appoint a special envoy here and do something about it.

I want to commend the gentleman from Rhode Island [Mr. KENNEDY], I want to thank him for taking the time to go over there at Christmas, and I strongly support the amendment.

□ 1630

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentleman yield?

Mr. WOLF. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I just would like to commend the gentleman for his own visit to East Timor. There is nothing like seeing it in person, to speak to Bishop Belo in East Timor, to visit with the people as the gentleman has, that gives one the strong feelings such as the gentleman has about it.

Like the gentleman from Virginia, I have read a lot about it. But it was not until I visited and saw it myself and heard from the people dramatically about the overwhelming military presence in East Timor and the fear that everyone has going to bed at night, that they are not going to be woken up in the middle of the night, have a gun to their head and dragged out in the middle of the street, go to jail, never to be seen again.

This is the constant state of fear and terror that the people of East Timor live under, given that occupation by the Indonesian Government; and I want to salute the gentleman from Virginia [Mr. WOLF] for his strong words on this amendment.

Mr. WOLF. Mr. Chairman, I thank the gentleman from Rhode Island. We spoke to one youngster who was there who had his ear cut off, that they cut off his ear; and now we spoke to a mom, a mother, who had three children, and they were all, all, missing. One had been killed in Santa Cruz, another had been taken away, and another had been taken away several nights just before we got there.

So the Kennedy amendment is a good amendment.

Mrs. LOWEY. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today in strong support of the Kennedy amendment to urge that military sanctions be imposed on Indonesia because of Indonesia's terrible human rights record. I certainly have no objection, and I support the amendment offered by the

gentleman from Nebraska [Mr. BEREUTER] to the amendment because I think that we should be ready to condemn atrocities and brutality wherever they occur.

I have stood on this floor many times, Mr. Chairman, in recent years to criticize Indonesia because of that country's abysmal human rights record and their continued oppression of the people of East Timor. Despite the lack of improvement in Indonesia's human rights record and the opposition of myself and many of my colleagues, Indonesia continues to receive United States military assistance. According to the State Department's country report on Indonesia, quote, the government continues to commit serious human rights abuses.

The State Department report also said that in Indonesia reports of extrajudicial killings, disappearances, and torture of those in custody by security forces increased, not decreased; not stayed the same, increased. Should we really be sending Indonesia more military assistance now, when they have not addressed these critical human rights issues? I do not think so.

Indonesia's policy in East Timor is about the oppression of people who oppose Indonesia's right to torture, kill, repress the people of East Timor. It is about the 200,000 Timorese who have been slaughtered since the Indonesian occupation in 1975, 200,000 killed out of a total population of 700,000. It is about genocide.

I urge my colleagues to support this amendment and send a message to Indonesia that we will not tolerate continued human rights abuses, and I want to thank my colleague from Rhode Island, Mr. KENNEDY, for bringing these issues to our attention and speaking so eloquently on these issues. I do hope that this body will respond to the specific stories which my colleagues have shared, which my good friend, the gentleman from Virginia [Mr. WOLF], has shared. I have not been to East Timor, but I have met many times privately with people who have recounted these stories to us, and we cannot let this record stand. We must take action, and I want to just tell the gentleman, "I support you."

Mr. KENNEDY of Rhode Island. Mr. Chairman, will the gentlewoman yield?

Mrs. LOWEY. I yield to the gentleman from Rhode Island.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I would just like to say there are countless stories. Unfortunately the ICRC cannot tell them to us because it would abrogate their mandate to be an impartial, as my colleagues know, observer and support to human rights in the countries that they are situated in. But they are only situated in those countries with gross human rights abuses, and they do not want to jeopardize that mission. But they did tell me that they are exceeding their ability to keep on top of all the cases that they have to stay on top of, and what that says to me is volumes about the current situation there.

Mr. Chairman, I would like to thank the gentlewoman from New York for her support.

Mrs. LOWEY. Mr. Chairman, I thank the gentleman from Rhode Island again for his leadership.

Mr. DAVIS of Florida. Mr. Chairman, I move to strike the requisite number of words.

I rise in support of the Bereuter amendment. This perfecting amendment seeks to add a level of balance and accuracy to the Kennedy amendment which will improve upon its content. It places the House of Representatives on record of being against violence and abusive human rights by all parties to the conflict in East Timor, and for that reason I urge adoption of the amendment to the amendment.

Mr. KIM. Mr. Chairman, I rise in strong opposition to the Kennedy amendment which expresses the sense of Congress that the United States should stop military assistance and education to Indonesia. It appears to me that this amendment will only have a negative effect on United States-Indonesian relations. I believe that this amendment would actually hinder the kind of changes and increased respect for human rights that its proponents claim to seek.

An insult such as this will have a direct and negative impact on all facets of the United States-Indonesian relationship, including economic ties. In 1995 alone, the United States exported $3.3 billion in goods and services to Indonesia. Indonesia is also the host to over $6 billion in United States investment. The only people cheering for the misguided symbolism of this amendment are our foreign competitors who look to take advantage of a souring in United States-Indonesian relations.

The action that this amendment advocates—including cutting off expanded international military education training [E–IMET]—will do nothing to improve human rights in Indonesia and East Timor. What better way to improve human rights in Indonesia than to properly train the military. That is what E–IMET does; it provides educational courses to teach respect for civil authority, human rights, and the rule of law.

While I recognize that improvement is needed in Indonesia, this amendment will have no positive impact on East Timor. The Kennedy amendment is simply pandering to special interests in East Timor at the expense of overall United States interests in the region.

Therefore, I urge my colleagues to oppose the Kennedy amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Nebraska [Mr. BEREUTER] to the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY].

The amendment to the amendment was agreed to.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Rhode Island [Mr. KENNEDY], as amended.

The amendment, as amended, was agreed to.

SEQUENTIAL VOTES POSTPONED IN COMMITTEE OF THE WHOLE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order: The amendment offered by the gentleman from Ohio [Mr. NEY]; the amendment, as amended, offered by the gentleman from California [Mr. MILLER].

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT OFFERED BY MR. NEY

The CHAIRMAN pro tempore. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from Ohio [Mr. NEY] on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will designate the amendment.

The Clerk designated the amendment.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 426, noes 0, not voting 8, as follows:

[Roll No. 174]

AYES—426

Abercrombie	Bryant	DeFazio
Ackerman	Bunning	DeGette
Aderholt	Burr	Delahunt
Allen	Burton	DeLauro
Andrews	Buyer	DeLay
Archer	Callahan	Dellums
Armey	Calvert	Deutsch
Bachus	Camp	Diaz-Balart
Baesler	Campbell	Dickey
Baker	Canady	Dicks
Baldacci	Cannon	Dingell
Ballenger	Capps	Dixon
Barcia	Cardin	Doggett
Barr	Carson	Dooley
Barrett (NE)	Castle	Doolittle
Barrett (WI)	Chabot	Doyle
Bartlett	Chambliss	Dreier
Barton	Chenoweth	Duncan
Bass	Christensen	Dunn
Bateman	Clay	Edwards
Becerra	Clayton	Ehlers
Bentsen	Clement	Ehrlich
Bereuter	Clyburn	Emerson
Berman	Coble	Engel
Berry	Coburn	English
Bilbray	Collins	Ensign
Bilirakis	Combest	Eshoo
Bishop	Condit	Etheridge
Blagojevich	Conyers	Evans
Bliley	Cook	Everett
Blumenauer	Cooksey	Ewing
Blunt	Costello	Fattah
Boehlert	Cox	Fawell
Boehner	Coyne	Fazio
Bonilla	Cramer	Filner
Bonior	Crane	Foglietta
Bono	Crapo	Foley
Borski	Cubin	Forbes
Boswell	Cummings	Ford
Boucher	Cunningham	Fowler
Boyd	Danner	Fox
Brady	Davis (FL)	Frank (MA)
Brown (CA)	Davis (IL)	Franks (NJ)
Brown (FL)	Davis (VA)	Frelinghuysen
Brown (OH)	Deal	Frost

Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
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
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
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
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
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—8

Farr
Flake
Hall (OH)
Molinari
Rothman
Schiff
Schumer
Wolf

□ 1656

So the amendment was agreed to.

The result of the vote was announced as above recorded

AMENDMENT OFFERED BY MR. MILLER OF CALIFORNIA, AS AMENDED

The CHAIRMAN pro tempore [Mr. EWING]. The pending business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. MILLER], as amended, on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment, as amended.

The Clerk designated the amendment, as amended.

RECORDED VOTE

The CHAIRMAN pro tempore. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 375, noes 49, not voting 10, as follows:

[Roll No. 175]

AYES—375

Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foley
Forbes
Ford
Fowler
Fox
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 (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Neumann
Ney
Northup
Norwood
Nussle
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Traficant
Turner
Upton
Vento
Visclosky
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—49

Abercrombie
Becerra
Castle
Clay
Conyers
Coyne
DeFazio
DeGette
Dellums
Dooley
Ehlers
Foglietta
Frank (MA)
Furse
Hinchey
Hinojosa
Holden
Jackson (IL)
Johnson, E. B.
Kanjorski
Kleczka
Kucinich
Lewis (GA)
Lucas
Markey
McDermott
McGovern
McHale
Minge
Mink
Moakley
Murtha
Nadler
Nethercutt
Oberstar
Rangel
Sabo
Serrano
Skaggs
Smith (MI)
Snyder
Tierney
Torres
Towns
Velázquez
Waters
Watkins
Watt (NC)
Waxman

NOT VOTING—10

Farr	Neal	Schumer
Flake	Radanovich	Wolf
Hall (OH)	Rothman	
Molinari	Schiff	

□ 1706

Mr. WAXMAN, Ms. DEGETTE, and Mr. SMITH of Michigan changed their vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ENGEL

Mr. ENGEL. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. ENGEL:

At the end of the bill add the following (and conform the table of contents accordingly):

SEC. 1818. INTERNATIONAL FUND FOR IRELAND.

(a) SHORT TITLE.—This section may be cited as the "MacBride Principles of Economic Justice Act of 1997".

(b) ADDITIONAL REQUIREMENTS.—

(1) PURPOSES.—Section 2(b) of the Anglo-Irish Agreement Support Act of 1986 (Public Law 99-415; 100 Stat. 947) is amended by adding at the end the following new sentence: "United States contributions shall be used in a manner that effectively increases employment opportunities in communities with rates of unemployment significantly higher than the local or urban average of unemployment in Northern Ireland. In addition, such contributions shall be used to benefit individuals residing in such communities.".

(2) CONDITIONS AND UNDERSTANDINGS.—Section 5(a) of such Act is amended—

(A) in the first sentence—

(i) by striking "The United States" and inserting the following:

"(1) IN GENERAL.—The United States";

(ii) by striking "in this Act may be used" and inserting the following: "in this Act—

"(A) may be used";

(iii) by striking the period and inserting "; and"; and

(iv) by adding at the end the following:

"(B) may be provided to an individual or entity in Northern Ireland only if such individual or entity is in compliance with the principles of economic justice."; and

(B) in the second sentence, by striking "The restrictions" and inserting the following:

"(2) ADDITIONAL REQUIREMENTS.—The restrictions".

(3) PRIOR CERTIFICATIONS.—Section 5(c)(2) of such Act is amended—

(A) in subparagraph (A), by striking "principle of equality" and all that follows and inserting "principles of economic justice; and"; and

(B) in subparagraph (B), by inserting before the period at the end the following: "and will create employment opportunities in regions and communities of Northern Ireland suffering the highest rates of unemployment".

(4) ANNUAL REPORTS.—Section 6 of such Act is amended—

(A) in paragraph (2), by striking "and" at the end;

(B) in paragraph (3), by striking the period and inserting "; and"; and

(C) by adding at the end the following new paragraph:

"(4) each individual or entity receiving assistance from United States contributions to the International Fund as agreed in writing to comply with the principles of economic justice.".

(5) REQUIREMENTS RELATING TO FUNDS.—Section 7 of such Act is amended by adding at the end the following:

"(c) PROHIBITION.—Nothing herein shall require quotas or reverse discrimination or mandate their use.".

(6) DEFINITIONS.—Section 8 of such Act is amended—

(A) in paragraph (1), by striking "and" at the end;

(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new paragraphs:

"(3) the term 'Northern Ireland' includes the counties of Antrim, Armagh, Derry, Down, Tyrone, and Fermanagh; and

"(4) the term 'principles of economic justice' means the following principles:

"(A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.

"(B) Providing adequate security for the protection of minority employees at the workplace

"(C) Banning provocative sectarian or political emblems from the workplace.

"(D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.

"(E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.

"(F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.

"(G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.

"(H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.

"(I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).".

(7) EFFECTIVE DATE.—The amendments made by this subsection shall take effect 180 days after the date of the enactment of this Act.

Mr. ENGEL (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from New York [Mr. ENGEL] and a Member opposed each will control 5 minutes.

Is there a Member seeking recognition in opposition?

Mr. HAMILTON. Yes, Mr. Chairman, I do.

The CHAIRMAN pro tempore. The gentleman from Indiana [Mr. HAMILTON] will be recognized for 5 minutes in opposition to the amendment.

The Chair recognizes the gentleman from New York [Mr. ENGEL].

Mr. ENGEL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is the Engel-Gilman amendment on the International Fund for Ireland principles. I want to at the outset thank the gentleman from New York [Mr. GILMAN] from the Committee on International Relations for all his help and hard work on this amendment.

This amendment is very simple. It simply says that the International Fund for Ireland, to which the United States contributes $20 million per year, that funding for the International Fund for Ireland should not go to any entity in the north of Ireland that discriminates.

We want to ensure that any entity which receives money from the International Fund for Ireland is committed to the principles of nondiscrimination. This is very similar to what was done in South Africa with the Sullivan principles, and this essentially embraces what is called the MacBride principles of nondiscrimination.

This is identical to a bill that I have carried for the past 8 years and under the current Congress, H.R. 150, which sets up nine guidelines to eliminate religious-based discrimination in employment and job training processes in the north of Ireland, while banning provocative sectarian and political emblems from the workplace. Again, we want to ensure that U.S. money is given to entities which promote equal opportunity employment for both Protestants and Catholics and to regions where targeted investment is needed.

Mr. Chairman, these are critical times for the peace process in Ireland. I commend the fact that right now the parties seem to be lined up in terms of really making progress for equality in the peace process. It is very, very important, I believe, that at this point Congress go on record as saying that moneys for the International Fund for Ireland cannot go to entities which discriminate against anybody, be they Catholic or Protestant. That is simply what this says.

Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], chairman of the committee.

Mr. GILMAN. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, today I rise to offer, along with the gentleman from New York [Mr. ENGEL], the Federal MacBride principles. This important bipartisan antidiscrimination measure dealing with employment practices in Northern Ireland is included in our amendment as a condition for receipt

of any of the U.S. taxpayer contributions to the International Fund for Ireland.

This amendment, which we introduced today, incorporates all of the changes we have made in the MacBride principles; in other words, the principles of economic justice as defined and passed by the last Congress is part of the U.S. contribution to the IFI in the foreign aid bill.

We must treat equally those who would receive any United States foreign assistance the very same as we do for many United States employers doing business in Northern Ireland, where today many of these firms voluntarily comply with the MacBride fair employment principles.

Much more still needs to be done to address the serious continuing problem of discrimination in Northern Ireland, where Catholics are still twice as likely to be unemployed as their Protestant counterparts. This is unfair. It must change if lasting peace and justice are ever to take hold in Northern Ireland.

As a candidate, Mr. Clinton pledged during the 1992 campaign that he would support the MacBride principles. They have been passed into law in all 16 States, including our own State of New York, and American cities and towns have also passed similar resolutions. We must do more to codify these principles in the law this year.

Accordingly, Mr. Chairman, I urge all of our colleagues concerned about lasting peace and justice in Northern Ireland to support the amendment we are introducing today.

Mr. Chairman, I include for the RECORD a letter from the Irish National Caucus in support of this initiative.

The letter referred to is as follows:

IRISH NATIONAL CAUCUS, INC.,
Washington, DC, May 12, 1997.

Hon. BEN GILMAN,
Chairman, House International Relations Committee, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN GILMAN: We, the undersigned leaders of Irish-American organizations, support the linking of the MacBride Principles of economic justice to the International Fund for Ireland as contained in HR 1486.

Attaching the MacBride Principles to foreign aid to Northern Ireland will help to guarantee that hard earned tax-payer's money will not be used to subsidize sectarian discrimination in Northern Ireland.

The MacBride Principles have proven to be the most effective response to anti-Catholic discrimination in Northern Ireland, and the Principles enjoy massive support in the Irish-American community.

Proof that the MacBride Principles are still needed was provided by the recent example of anti-Catholic discrimination in the office of Baroness Denton, the British Minister formerly responsible for fair employment laws in Northern Ireland.

We thank you, Chairman Gilman, for your long and consistent leadership for justice and peace in Ireland.

Sincerely,

Edward J. Wallace, National President, AOH; Francis Hoare, Chairman, Brehon Law Society; Jean Forest, U.S. Voice for Human Rights in Northern Ireland; Edmund Lynch, Chairman, Lawyers National Alliance for Justice in Ireland; Andrew Somers, President, Irish-American Unity Conference; Kathleen Holmes, Chairwoman, American Irish Congress; James V. Mullin, Irish Famine Curriculum Committee; John McPhillips, President, Clan Na Gael; Paul Doris, Chairman, Irish Northern Aid Committee; Fr. Sean McManus, President, Irish National Caucus; Dennis E.A. Lynch, General Counsel, Hibernian Civil Rights Coalition; Frank Durkan, Americans for a new Irish Agenda.

□ 1715

Mr. HAMILTON. Mr. Chairman, I yield myself such time as I may consume.

I rise in opposition to this amendment. I, of course, realize the popularity of the amendment but I do think it is important to state the other view. I am not exactly alone in my opposition to this amendment.

The Irish Government has opposed this amendment. They have a new government today, of course, and they have not yet spoken so far as I know. The British Government has opposed this amendment. They, too, have a new government. I am not sure exactly how they feel about MacBride principles, but the British Government has opposed it in the past. And the U.S. Government opposes this amendment.

All of us in this Chamber support fair employment and nondiscrimination in the workplace in Northern Ireland and elsewhere, but I think we have to be very careful about putting layers of red tape into an assistance program. We need to be very careful about imposing conditions that will work at cross-purposes with our shared goals. The investment experts have said to us that mandating conditionality on U.S. assistance to the IFI will have the effect of hindering international investment in the region.

Listen to the words of John Hume; there is not anybody more respected in this Chamber on the Irish question than John Hume. What does he say? I quote him: "If you really want to help us, then encourage investment in areas of high unemployment in Northern Ireland. That is a positive thing to do. The effect of the MacBride principles campaign, whether people like to admit it or not, is to stop investment coming in and that is bad for us."

Now, I suspect most Members in this body do not support affirmative action programs in the United States with all kinds of mandatory requirements. I do not know why they would want to try to legislate affirmative action in another country, but that is precisely what this amendment tries to do. Moreover, I think the amendment is not needed. All enterprises in Northern Ireland must already conform to the United Kindom Fair Employment Act of 1989, which imposes one of the strongest and most comprehensive antidiscriminatory sets of regulations in Europe. Likewise, they must comply with the very elaborate regulations of the European Union.

The IFI board oversees the allocation of all IFI funds. They already rigorously promote fair employment practices and economic development in disadvantaged communities in Northern Ireland. They evaluate each project to ensure that it does not discriminate and funding is specifically targeted to minority and disadvantaged areas.

I believe a better way to proceed here is to preserve support for the IFI, to have confidence in them, to have confidence in the governments that are involved, including our own, and their goals of promoting fair employment practices in Northern Ireland.

We should not be legislating intrusive conditions which are opposed even by these governments and which others could criticize as going beyond U.S. law with respect to affirmative action.

I urge a vote against this amendment.

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

Mr. ENGEL. Mr. Chairman, may I ask how much time remains?

The CHAIRMAN pro tempore (Mr. EWING). The gentleman from New York [Mr. ENGEL] has 1½ minutes remaining.

Mr. ENGEL. Mr. Chairman, I yield 1 minute and 10 seconds to the gentleman from New York [Mr. MANTON].

Mr. MANTON. Mr. Chairman, I rise today to support the amendment offered by my good friend and colleague, the gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations. The chairman's commitment to the peace process in the north of Ireland has made him an integral part of the Congressional Ad Hoc Committee for Irish Affairs.

At the same time I also want to acknowledge the deep commitment to fair employment legislation and to the peaceful resolution of the conflict in the north of Ireland by another friend and colleague, the gentleman from New York [Mr. ENGEL].

Mr. Chairman, with the election of the new government in Ireland and the United Kingdom and the continued leadership of Senator Mitchell and the Clinton administration, the possibility for a genuine peace process is finally becoming a reality.

The International Fund for Ireland is designed to stimulate job creation and is an integral facet of the peace process. The support of the United States has a tangible effect of contributing to the search for lasting peace by giving

the chronic unemployed, the underemployed, a stake in society, thereby drying up the pond that extremism can swim in.

Mr. Chairman, Catholic males are 2½ times more likely to be unemployed than their counterparts from the other tradition. My support of this amendment is driven by a desire to raise the standard of living of those who have experienced chronic generational unemployment from both communities. I urge the passage of this bill, which is akin to the Sullivan principles that took the moral high ground in South Africa.

Mr. ENGEL. Mr. Chairman, I yield the balance of my time to the gentleman from Massachusetts [Mr. KENNEDY].

Mr. WEXLER. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. KENNEDY].

The CHAIRMAN pro tempore. The gentleman from Massachusetts [Mr. KENNEDY] is recognized for 1 minute and 20 seconds.

Mr. KENNEDY of Massachusetts. Mr. Chairman, I rise in strong support of the amendment by the gentleman from New York [Mr. GILMAN] to this legislation. I think that the gentlemen from New York, [Mr. GILMAN], [Mr. MANTON], and [Mr. ENGEL], and others ought to be congratulated for the leadership that others like the gentleman from New York, [Mr. KING] and the like have shown in trying to make certain that we eliminate the kind of terrible discrimination against Catholics that has existed in the north of Ireland.

I was interested to hear the ranking member describe the fact that there are provisions under the existing laws in Great Britain to protect against employment discrimination. Those protections are simply a sham. The truth of the matter is, all they do is allow people to understand that there is a job available. They do nothing about guaranteeing the fact that Catholics can get those jobs.

There has been traditionally a terrible unemployment rate, in some communities as high as 90 percent for generation after generation because of employment discrimination that has existed. All this legislation would call for is that when funds are available from this country to Northern Ireland and to the border communities, that they in fact cannot discriminate against the Catholic minority in the north of Ireland. It is sound legislation, it is the right legislation, and it is the moral and correct thing to do. I congratulate the gentleman from New York [Mr. GILMAN], for his foresight in pursuing this legislation.

Mr. WEXLER. Mr. Chairman, I yield the balance of my time to the gentleman from New York [Mr. ENGEL].

The CHAIRMAN pro tempore. The gentleman from New York [Mr. ENGEL] is recognized for 30 seconds.

Mr. ENGEL. Mr. Chairman, I yield to the gentleman from New York [Mr. KING].

Mr. KING. Mr. Chairman, I rise in support of the Engel-Gilman amendment. I commend them for their efforts.

Mr. Chairman, the Irish peace process is right now at a very defining moment. One of the main causes of violence over the years has been the systematic discrimination against the nationalist community. If American money is going to the north of Ireland for the Fund for Ireland, it is essential that discrimination not be allowed, that systematic discrimination be rooted out and uprooted. It is only then that we can have real peace in Ireland. It is essential that the United States stand by the absolute commitment to peace and justice, and also to ensure that no systematic state-sponsored discrimination be allowed in the north of Ireland.

Mr. SMITH of New Jersey. Mr. Chairman, I ask unanimous consent to proceed for an additional 30 seconds.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN pro tempore. The gentleman from New Jersey [Mr. SMITH] is recognized for 30 seconds.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in very strong support of the Engel-Gilman amendment to link United States contributions to the international fund for Ireland to these very important MacBride principles, principles we passed as part of H.R. 1561 last year.

I want to remind Members that when the President vetoed H.R. 1651 last year he went out of his way in a letter to Brian Atwood, the administrator of AID, to say that he is committed to fair employment principles for Catholics in the north of Ireland. The President went on to say that he vetoed that bill for reasons unrelated to the section dealing with the MacBride principles. So while today, the administration may put out language suggesting they are against this provision, in his August 1996 letter to Brian Atwood, the President himself said he was for the MacBride principles.

This is a very important fair employment piece of legislation.

Astonishingly, job discrimination against Catholics in the north of Ireland is the status quo. Consider these facts. Out of the 87,000 children below the poverty line, 58,000, or 66 percent, are Catholic. In Northern Ireland, over 42 percent of Catholic men are unemployed compared to 25 percent of their Protestant colleagues. According to the most recent Labor Force Survey, 55 percent of the unemployed are Catholics, even though they comprise 38 percent of the population over the age of 16.

United States support to the IFI is intended to help mitigate the social and economic problems that contribute to the civil unrest in Northern Ireland. People cannot come to a lasting peace agreement if they are the subject of ongoing, systematic, disparaging discrimination. The MacBride principles, which would eliminate religious-based discrimination in employment and job training, are modest and will go a long way to foster peace and justice in Northern Ireland. At least 16 States—including my home State of New Jersey—and more than 30 U.S. cities have adopted the MacBride principles. Similarly, the Federal Government should adopt this code and ensure that U.S. taxpayer funds do not go to subsidize discrimination in the work force.

Human rights abuses are far-reaching in the north of Ireland. Juryless Diplock courts, ill-treatment of individuals in detention, lack of access to attorneys, search and seizure abuses, sectarian use of plastic bullets, and religious discrimination are common human rights abuses in Northern Ireland. Linking our financial contributions to the IFI to the MacBride principles is a small step in addressing just one of the many human rights abuses that need to be eliminated in order for a lasting and just peace to be achieved in that region.

I wholeheartedly support the amendment and urge its adoption.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. ENGEL].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there further amendments?

AMENDMENT OFFERED BY MS. SLAUGHTER

Ms. SLAUGHTER. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. SLAUGHTER:

At the end of title XVIII insert the following new section:

SEC. 1712. SENSE OF CONGRESS REGARDING ASSISTANCE TO LITHUANIA AND LATVIA.

It is the sense of the United States House of Representatives that—

(1) adequate assistance should be provided to Lithuania and Latvia in fiscal year 1998;

(2) assistance to Lithuania should be continued beyond fiscal year 1998 as it continues to build democratic and free market institutions; and

(3) the President should consider continuing assistance to Latvia beyond fiscal year 1998, as appropriate, to build democratic and free market institutions.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentlewoman from New York [Ms. SLAUGHTER] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from New York [Ms. SLAUGHTER].

Ms. SLAUGHTER. Mr. Chairman, I yield myself such time as I may consume.

My amendment is very straightforward. It just expresses the sense of Congress that foreign aid to the Baltic states of Latvia and Lithuania should be provided in the fiscal year 1998 and beyond for Lithuania. It also states that Latvia should continue to receive

aid as the President determines it necessary. This amendment supports these nations as they continue to evolve toward a free market economy and develop democratic institutions.

On behalf of all the Latvian and Lithuanian Americans who have made this country their home, I am pleased to offer this amendment. Since gaining their independence from the former Soviet Union earlier this decade, Latvia and Lithuania have both made important strides towards democracy and the removal of the shackles of oppressive communism. Lithuania and Latvia have a long, proud history and have struggled valiantly against forces on all sides of their borders, forces that would suppress their freedom in demanding the Soviet troops be removed from their soil and that the Baltic states be granted independence.

In 1990, pro-independence forces were able to win a majority in parliamentary elections in Lithuania. Despite an attempted coup by Soviet soldiers, Lithuania and the other Baltic states were able to gain their independence. Last fall, Mr. Chairman, national elections brought reform forces back into the Parliament following a collapse of the private banking sector and the ensuing Government crisis.

Despite this renewed democratic reform, the State Department made a curious decision to end the aid program to the Lithuania through the Support for the Eastern European Democracies or the SEED Program as reflected in the President's budget request, this in spite of the fact that USAID's in-country mission, the U.S. Embassy and nongovernment at organizations such as the Lithuanian-American community all support continued aid to Lithuania at this time.

The reasons for aid are clear. Continued threats to safety and stability by organized crime in Lithuania are a serious concern. The previous Government failed to place walls between the Government and private interests, resulting in corruption and one of the reasons for its fall from power.

The people of Lithuania responded democratically to these problems by voting in a new reform Government. The new reform Government is trying to adopt anticorruption legislation and is in critical need of technical experts to assist them. Without our aid, this will not be possible. In addition, there is a continued need for technical experts to assist with the reorganization and privatization of the energy sector. Again, our aid is critical.

Mr. Chairman, Lithuania and Latvia have proven to be our allies and our friends. They have requested an invitation to join NATO at the earliest possible date, a request which Congress may soon grant them.

□ 1730

Should we not continue assisting Lithuania and Latvia at this important moment in their history?

Mr. Chairman, I urge the House to support this amendment of continued support to Lithuania and Latvia in fiscal year 1998, and Lithuania beyond, as they continue to build democratic free market institutions.

Mr. GILMAN. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding, and I rise in support of the amendment offered by our good colleague from New York.

The amendment is not an earmark, it is simply an encouragement to the President to make certain that our aid to Lithuania and Latvia is going to be adequate enough to support necessary political and economic reforms in those two Baltic States. Accordingly, Mr. Chairman, I urge the adoption of the amendment.

Ms. SLAUGHTER. Mr. Chairman, reclaiming my time, I thank the gentleman very much.

Mr. WEXLER. Mr. Chairman, will the gentlewoman yield?

Ms. SLAUGHTER. I yield to the gentleman from Florida.

Mr. WEXLER. Mr. Chairman, I rise in support of the amendment. It is an appropriate expression of congressional support for United States assistance programs in support of democratic and free market reform in Latvia and Lithuania. I simply just urge very strong support for the Slaughter amendment.

The CHAIRMAN pro tempore (Mr. EWING). The question is on the amendment offered by the gentlewoman from New York [Ms. SLAUGHTER].

The amendment was agreed to.

AMENDMENT OFFERED BY MS. MCKINNEY

Ms. MCKINNEY. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Ms. MCKINNEY. Yes, Mr. Chairman, it is.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Ms. MCKINNEY:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—ARMS TRANSFERS CODE OF CONDUCT

TITLE XX—ARMS TRANSFERS CODE OF CONDUCT

SEC. 2001. SHORT TITLE.

This title may be cited as the "Code of Conduct on Arms Transfers Act of 1997".

SEC. 2002. FINDINGS.

The Congress finds the following:

(1) Approximately 40,000,000 people, over 75 percent civilians, died as a result of civil and international wars fought with conventional weapons during the 45 years of the cold war, demonstrating that conventional weapons can in fact be weapons of mass destruction.

(2) Conflict has actually increased in the post cold war era, with 30 major armed conflicts in progress during 1995.

(3) War is both a human tragedy and an ongoing economic disaster affecting the entire world, including the United States and its economy, because it decimates both local investment and potential export markets.

(4) International trade in conventional weapons increases the risk and impact of war in an already over-militarized world, creating far more costs than benefits for the United States economy through increased United States defense and foreign assistance spending and reduced demand for United States civilian exports.

(5) The United Nations Register of Conventional Arms can be an effective first step in support of limitations on the supply of conventional weapons to developing countries and compliance with its reporting requirements by a foreign government can be an integral tool in determining the worthiness of such government for the receipt of United States military assistance and arms transfers.

(6) It is in the national security and economic interests of the United States to reduce dramatically the $840,000,000,000 that all countries spend on armed forces every year, $191,000,000,000 of which is spent by developing countries, an amount equivalent to 4 times the total bilateral and multilateral foreign assistance such countries receive every year.

(7) According to the Congressional Research Service, the United States supplies more conventional weapons to developing countries than all other countries combined, averaging $11,889,000,000 a year in agreements to supply such weapons to developing countries for the six years since the end of the cold war, 58 percent higher than the $7,515,000,000 a year in such agreements for the six years prior to the dissolution of the Soviet Union.

(8) Since the end of the cold war, 84 percent of United States arms transfers have been to developing countries are to countries with an undemocratic form of government whose citizens, according to the Department of State Country Reports on Human Rights Practices do not have the ability to peaceably change their form of government.

(9) Although a goal of United States foreign policy should be to work with foreign governments and international organizations to reduce militarization and dictatorship and therefore prevent conflicts before they arise, during 4 recent deployments of United States Armed Forces—to the Republic of Panama, the Persian Gulf, Somalia, and Haiti—such Armed Forces faced conventional weapons that had been provided or financed by the United States to undemocratic governments.

(10) The proliferation of conventional arms and conflicts around the globe are multilateral problems, and the fact that the United States has emerged as the world's primary seller of conventional weapons, combined with the world leadership role of the United States, signifies that the United States is in a position to seek multilateral restraints on the competition for and transfers of conventional weapons.

(11) The Congress has the constitutional responsibility to participate with the executive branch in decisions to provide military assistance and arms transfers to a foreign government, and in the formulation of a policy designed to reduce dramatically the level of international militarization.

(12) A decision to provide military assistance and arms transfers to a government that is undemocratic, does not adequately protect human rights, is currently engaged in acts of armed aggression, or is not fully

participating in the United Nations Register of Conventional Arms, should require a higher level of scrutiny than does a decision to provide such assistance and arms transfers to a government to which these conditions do not apply.

SEC. 2003. PURPOSE.

The purpose of this title is to provide clear policy guidelines and congressional responsibility for determining the eligibility of foreign governments to be considered for United States military assistance and arms transfers.

SEC. 2004. PROHIBITION OF UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS TO CERTAIN FOREIGN GOVERNMENTS.

(a) PROHIBITION.—Except as provided in subsections (b) and (c), beginning on and after October 1, 1998, United States military assistance and arms transfers may not be provided to a foreign government for a fiscal year unless the President certifies to the Congress for that fiscal year that such government meets the following requirements:

(1) PROMOTES DEMOCRACY.—Such government—

(A) was chosen by and permits free and fair elections;

(B) promotes civilian control of the military and security forces and has civilian institutions controlling the policy, operation, and spending of all law enforcement and security institutions, as well as the armed forces;

(C) promotes the rule of law, equality before the law, and respect for individual and minority rights, including freedom to speak, publish, associate, and organize; and

(D) promotes the strengthening of political, legislative, and civil institutions of democracy, as well as autonomous institutions to monitor the conduct of public officials and to combat corruption.

(2) RESPECTS HUMAN RIGHTS.—Such government—

(A) does not engage in gross violations of internationally recognized human rights, including—

(i) extra judicial or arbitrary executions;

(ii) disappearances;

(iii) torture or severe mistreatment;

(iv) prolonged arbitrary imprisonment;

(v) systematic official discrimination on the basis of race, ethnicity, religion, gender, national origin, or political affiliation; and

(vi) grave breaches of international laws of war or equivalent violations of the laws of war in internal conflicts;

(B) vigorously investigates, disciplines, and prosecutes those responsible for gross violations of internationally recognized human rights;

(C) permits access on a regular basis to political prisoners by international humanitarian organizations such as the International Committee of the Red Cross;

(D) promotes the independence of the judiciary and other official bodies that oversee the protection of human rights;

(E) does not impede the free functioning of domestic and international human rights organizations; and

(F) provides access on a regular basis to humanitarian organizations in situations of conflict or famine.

(3) NOT ENGAGED IN CERTAIN ACTS OF ARMED AGGRESSION.—Such government is not currently engaged in acts of armed aggression in violation of international law.

(4) FULL PARTICIPATION IN U.N. REGISTER OF CONVENTIONAL ARMS.—Such government is fully participating in the United Nations Register of Conventional Arms.

(b) REQUIREMENT FOR CONTINUING COMPLIANCE.—Any certification with respect to a foreign government for a fiscal year under subsection (a) shall cease to be effective for that fiscal year if the President certifies to the Congress that such government has not continued to comply with the requirements contained in paragraphs (1) through (4) of such subsection.

(c) EXEMPTIONS.—

(1) IN GENERAL.—The prohibition contained in subsection (a) shall not apply with respect to a foreign government for a fiscal year if—

(A) subject to paragraph (2), the President submits a request for an exemption to the Congress containing a determination that it is in the national security interest of the United States to provide military assistance and arms transfers to such government; or

(B) the President determines that an emergency exists under which it is vital to the interest of the United States to provide military assistance and arms transfers to such government.

(2) DISAPPROVAL.—A request for an exemption to provide military assistance and arms transfers to a foreign government shall not take effect, or shall cease to be effective, if a law is enacted disapproving such request.

(d) NOTIFICATIONS TO CONGRESS.—

(1) IN GENERAL.—The President shall submit to the Congress initial certifications under subsection (a) and requests for exemptions under subsection (c)(1)(A) in conjunction with the submission of the annual request for enactment of authorizations and appropriations for foreign assistance programs for a fiscal year and shall, where appropriate, submit additional or amended certifications and requests for exemptions at any time thereafter in the fiscal year.

(2) DETERMINATION WITH RESPECT TO EMERGENCY SITUATIONS.—The President, when, in his determination, it is not contrary to the national interest to do so, shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(1)(B). Each such report shall contain a description of—

(A) the nature of the emergency;

(B) the type of military assistance and arms transfers provided to the foreign government; and

(C) the cost to the United States of such assistance and arms transfers.

SEC. 2005. SENSE OF THE CONGRESS.

It is the sense of the Congress that the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate should hold hearings on—

(1) controversial certifications submitted under section 2004(a);

(2) all requests for exemptions submitted under section 2004(c)(1)(A); and

(3) all determinations with respect to emergencies under section 2004(c)(1)(B).

SEC. 2006. UNITED STATES MILITARY ASSISTANCE AND ARMS TRANSFERS DEFINED.

For purposes of this title, the terms "United States military assistance and arms transfers" and "military assistance and arms transfers" mean—

(1) assistance under chapter 2 of part II of the Foreign Assistance Act of 1961 (relating to military assistance), including the transfer of excess defense articles under section 516 of that Act;

(2) assistance under chapter 5 of part II of the Foreign Assistance Act of 1961 (relating to international military education and training); or

(3) the transfer of defense articles, defense services, or design and construction services under the Arms Export Control Act (excluding any transfer or other assistance under section 23 of such Act), including defense articles and defense services licensed or approved for export under section 38 of that Act.

Ms. MCKINNEY (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Ms. MCKINNEY. Mr. Chairman, I ask unanimous consent that I be recognized for 8 minutes.

The CHAIRMAN pro tempore. Is there objection to the request of the gentlewoman from Georgia?

There was no objection.

Ms. MCKINNEY. Mr. Chairman, I am very proud to offer the McKinney-Rohrabacher amendment, which I believe is a significant enhancement to the legislation we are now considering, the State Department authorization bill.

This is no longer a controversial amendment. Significant compromise and change have been incorporated into this new version of the Arms Trade Code of Conduct that I am introducing today. In the first version of the bill, the President would certify countries at the beginning of each fiscal year that comply with the code of conduct. If the President wanted to sell weapons to a noncomplying government, then the President would have to come to Congress requesting an exemption and have that exemption approved by a vote in Congress.

The administration and some Members of Congress felt this gave too much authority to Congress and deprived the President of his ability to make foreign policy. In the spirit of compromise, we have stripped the original bill of this language and now all that remains are the underlying values that motivated this bill in the first place, and that is that the United States ought not be in the business of supplying weapons to dictators.

Gone is the automatic trigger that some objected to. And so now the piece of legislation before us asks us to make the fundamental assertion of what we stand for in the world and whose side we are on. Is it that the United States of America that speaks eloquently on the subject of respect for human rights and democracy and democratic traditions is only paying lip service to these ideals when confronted with a hungry client wanting our advanced technology only to enhance their ability to torture and abuse their own population? Or do we stand with those people around the world who are victims of the world's tyrants, who have no voice in the international arena and who only have the conscience of the world to help them?

This legislation helps to give the United States a conscience for the leaders around the world who do not have one. This legislation helps to give a voice to those people around the world who cannot speak out in their own countries. And finally, this legislation puts the international behavior of the United States in sync with our words, our beliefs, and our fundamental values.

The initial opponents of this bill did us a favor, really, by asking us to remove and cut certain sections of the bill, because what is left is the fundamental answer to the question, "Will we sell weapons to dictators?"

This bill is no longer about Presidential prerogatives being impinged on. This bill is no longer about too much congressional authority in the area of foreign policy-making. This bill is simply about whether we will apply the standards to our guns and tanks and missiles and bombs that we apply to computers and chemicals.

In this country, even a car is considered a lethal weapon, and we apply certain standards on who can operate a car. So getting a driver's license and keeping that license subjects us all to certain competency requirements, certain standards. If we lose our license, then we fail to meet the requirements for operating the car. Do we not consider it important who purchases our rifles, tanks, guns, and bullets? We even have laws that govern and restrict the flow of certain information and knowledge. Should we not at least be concerned about who gets our weapons that kill people?

At home, after much struggle, we have come up with standards on who can buy a gun. Convicted felons and the mentally ill cannot buy guns legally in this country. Thank goodness we were able to pass the Brady bill so that we could stop certain purchases of guns. Passing the Brady bill was done, though, only after the unreasonableness and extremism of the NRA was demonstrated to the American public.

Unfortunately, the code of conduct has its own equivalent to the NRA which, I believe, is not only extreme but also reckless in its disregard of what happens when these weapons are delivered to our dictator clients.

In 1964, the United States made a decision to support Mobutu Sese Seko, who became a tyrant and a dictator to the people of Zaire. Over the course of the decades of our support for his dictatorship, we shipped almost $170 million of weapons to him. We provided $18 million of training to the military; 1,356 officers, virtually the entire Zairian officer corps, received officer training. A total of $187 million of U.S. military aid went to Zaire.

What was that aid? 2,500 riot control kits; 2,000 military vehicles for crowd control; 2,000 rifles; $2 million worth of ammunition, and 24 military aircraft.

What we gave Mobutu was not military assistance to defend his country from outside intervention. What we gave to Mobutu was the means to control dissent and demonstrations. What we gave Mobutu was the means to control his own population and hence, to keep himself in power. As a result, we are complicit in how he used his military, trained and supplied by us.

This is the kind of end use that concerns us. This is the kind of end use that compelled Dr. Arias and four other Nobel Peace Prize winners to come together 2 weeks ago in New York to declare their support for the code of conduct. Dr. Oscar Arias brought together Jorge Ramos-Horta of East Timor, Betty Williams of Northern Ireland, His Excellency the Dalai Lama of Tibet, and our own Elie Wiesel. Organizations that have won the Noble Peace Prize were also represented at this press conference: Amnesty International, the American Friends Service Committee, and the International Physicians for the Prevention of Nuclear War. Dr. Arias also had letters of support from Archbishop Desmond Tutu, Lech Walesa, and several others who were not able to attend. The gentleman from New York [Mr. GILMAN] attended the press conference and was moved to a standing ovation after the remarks of Elie Wiesel.

So, people who have been recognized in the international community for their dedication to peace have come together to say that this legislation is necessary. How will history record those who do not support this legislation?

Member states of the European Union have already agreed to eight common criteria governing their own arms transfers. There is growing support for European Union-wide code of conduct among all of Europe's governments. Germany, Sweden, The Netherlands, Belgium, and Ireland are all leading this fight. But the boldest steps have been taken by Tony Blair's Britain. The New Labour Government has declared that centrality of human rights in its weapons sales is central to its decisions.

So we are not alone, those of us who want the United States to stand on the opposite side of whatever dictator is there with ready cash for our guns and bullets. History teaches us that those weapons do not end up in a remote depot, they end up either intimidating or "in" people who want a better way of life and who dare to say so; who want freedom of expression and who dare to act; who want to live in a democracy as we do in this country and who dare to confront tyranny.

We are not alone at home either, even in this administration. The recently-confirmed CIA director, George Tenet, on May 6, 1997, at a session of the Senate Select Committee on Intelligence, said the following:

"But the proliferation issue—and particularly the proliferation of ballistic missiles—and conventional weapons—we often ignore what the proliferation of conventional weapons means for U.S. forces—this issue is probably the greatest threat to U.S. forces and our men and women who deploy overseas than any other" issue.

The CHAIRMAN. The time of the gentlewoman from Georgia [Ms. MCKINNEY] has expired.

(By unanimous consent, Ms. MCKINNEY was allowed to proceed for 30 additional seconds.)

Ms. MCKINNEY. Mr. Chairman, I cannot say it any better than our CIA director. The issue before the Congress today is a national security issue and a moral issue. Seldom are we given such a stark opportunity to be on the right side of both issues. The Arms Trade Code of Conduct is just such an opportunity.

I ask my colleagues to vote for this amendment and let us be known by the values we espouse and not the weapons of oppression that we supply.

Mr. Chairman, U.S. weapons are currently being used in 39 of the world's current 42 ethnic and territorial conflicts.

In the past 4 years, 85 percent of U.S. arms sales to the Third World have gone to undemocratic governments. The United States is responsible for 44 percent of all weapons deliveries in the world. The United States is unqualifiedly the arms dealer to the world, and the merchant for death to the world's dictators.

Language requiring Congress to approve an arms sale to a dictator before it's been made has been modified to give the President an automatic waiver for national security purposes which Congress could block after extensive debate.

A total of 453 American soldiers have been killed by armies strengthened by our own weapons and military training: Iraq, Saddam Hussein; Panama, Manuel Noriega; Somalia, Siad Barre, and Haiti, the Duvalier family.

In fiscal year 1994 $7 billion of taxpayer money went to subsidize U.S. arms exports. In fiscal year 1995, that figure jumped to $7.6 billion. After agricultural price supports, this represents the largest subsidy program for business in the entire Federal budget—Welfare for Weapons dealers.

Our Government employs nearly 6,500 full time personnel to promote and service foreign arms sales by U.S. companies.

U.S. subsidies for arms transfers are scheduled to increase. The international market for U.S. arms is estimated to be around $12 to $16 billion per year. Therefore, our foreign customers aren't even paying for the weapons that they get. And more than half of U.S. weapons sales will be paid for by the U.S. taxpayers.

In 1995, subsidies for arms exports accounted for over 50 percent of U.S. bilateral aid and more than 39 percent of total U.S. foreign aid. the emphasis on promoting weapons exports has come at the expense of programs designed to promote economic development and social welfare in these recipient nations. I'd much rather see us exporting tractors and seeds to dictators than guns and bullets.

The American arms trade policy is killing our citizens, destroying worldwide democracy, and sending us spiraling down a path of economic ruin.

President Dwight D. Eisenhower said, "There can be no peace without law. And there can be no law if we were to invoke one code of international conduct for those who oppose us and another for our friends." We must help to stop the arms trade boomerang. Over 300 organizations support the No Arms to Dictators Code of Conduct. Among these organizations are: Vietnam Veterans Of America Foundation, Young Women's Christian Association—the YMCA—of America, and Bread of the World, and organizations of the Presbyterian, Lutheran, and Roman Catholic churches.

I would like to thank the hundreds of volunteers who have put thousands of hours into making the U.S. Code of Conduct our law.

Each of us must be concerned about what happens when we sell weapons to dictators.

I urge my colleagues to support the Arms Trade Code of Conduct.

Mr. SMITH of New Jersey. Mr. Chairman, I rise in support of the amendment, the Arms Transfer Code of Conduct, and it will be the first major reform of U.S. arms transfer policy in almost two decades.

The code of conduct highlights guiding principles on human rights and democracy, which I believe are important to America's leadership role in the post-cold war era. This amendment would help stem the flow of U.S. weapons to countries that brutalize their own people.

The code of conduct would make it clear that in the 21st century the United States of America intends not just to be a military and economic superpower but a moral superpower as well. It signals an end to business as usual for human rights violators.

Mr. Chairman, two-thirds of all of our foreign military sales go to countries described by the State Department Country Reports on Human Rights Practices as human rights violators with undemocratic governments.

Mr. Chairman, a few years ago I made a trip to Croatia when it was under siege. The gentleman from Virginia, [Mr. WOLF], and I visited a city that was literally surrounded by tanks and by military, a place called Vukovar. Vukovar was finally leveled, but while we were there we saw the bomb casings and we saw the 500-pound bombs that were dropped. And I will never forget taking pictures of these bomb casings that had U.S. markings all over them.

I will never forget also talking to President Milosevic and trying to ask him to stop that carnage that was going on in Croatia. Later on it was rolled out to Bosnia. Much of their military capability came from the United States and then was used in a slaughterhouse fashion against people who were unarmed, women and children and men who were civilians.

Mr. Chairman, the code of conduct is not a threat to U.S. national security. It contains a provision for an emergency waiver that would allow the President to transfer arms to a country that does not meet the code's criteria if U.S. national security really did require such a transfer, and it provides for an orderly process for Congress to consider other exceptions of nonemergency nature.

Mr. Chairman, year after year in human rights hearings in the Subcommittee on International Operations and Human Rights, which I now chair, we hear there is a disconnect in U.S. foreign policy between human rights and other considerations. Amnesty International put it best when it said about this administration's human rights policy, that "Human rights is an island off the mainland of U.S. foreign policy." This amendment is a step toward closing the circle, connecting things that ought to be connected.

We must tell the world that freedom and democracy do matter. A good way to begin is by telling the world that the United States will not put deadly weapons into the hands of the enemies of freedom and democracy.

Mr. Chairman, I want to congratulate the gentlewoman from Georgia, [Ms. MCKINNEY], and the gentleman from California, [Mr. ROHRABACHER], for their good work in crafting this amendment, and again I rise in very strong support of it.

□ 1745

Mr. ROHRABACHER. Mr. Chairman, I move to strike the requisite number of words.

First of all, I would like to congratulate the gentlewoman from Georgia [Ms. MCKINNEY] on fighting the leadership on this issue. This is not a left-wing issue. This is not a right-wing issue. I am very proud to be here today to stand with CYNTHIA MCKINNEY and all the rest of my colleagues who support this moral code of conduct for the United States of America.

In the post-cold war, the code of conduct is totally consistent with America's traditions and America's principles. In the long-term, it will not only serve the interest of human freedom, but it will also serve our national security and international stability requirements as well.

During the cold war, compromises were necessary. These were compromises that we had to make with nondemocratic regimes because we were defending against even larger gangsters and thugs who wanted to destroy the United States of America and the free world. Today, we should stand for freedom and democracy and we should insist that this be a basis for any relation that we have with other countries and other governments.

I served Ronald Reagan in the White House, who altered a fundamental tactic that was being used during the cold war. Before Ronald Reagan, the U.S. Government was always anti-Communist. But during Ronald Reagan's term of office, he changed our position to being profreedom. Today we should continue Ronald Reagan's successful profreedom policy by pulling back from shipping arms to dictatorships and making sure that we are on the side of the people rather than on the side of the oppressors in those countries where dictatorships exist. This will be in the long-term interest of the United States.

This was, in this policy that Ronald Reagan articulated during the 1980's, is what ended the cold war. It was not the fact that we had more missiles and more guns, although we did increase our weapons. It was the fact that America began to realistically and seriously talk about the promotion of democracy in the world. And in the end, the people who lived under tyranny hammered away at their walls and pulled those walls down and united themselves with the good and decent and democratic countries of the world.

This amendment will in fact strengthen American foreign policy by empowering our diplomats to tell the military dictators that they should liberalize their policies, respect human rights, and join the family of democratic nations, or we will not be their friend and we will not provide them weapons to repress their own people.

What does selling weapons to dictatorships really mean? It means that we will give weapons to people who thwart democratic elections, oppress their people, and then we will expect their people to pay us back. Well, is that not something to be proud of. That is something we can no longer accept in the United States of America. The cold war is over. It is time for us to have a new code of conduct that puts democracy and human rights ahead of a fast buck in selling weapons to the dictators around the world who repress people and violate the very principles which this country is supposed to be all about.

What will the people of the world think about us if we adopt this kind of type of code of conduct? Well, they will know that we are on their side and not the side of the thugs and gangsters who hold power in too much of the world today.

Our Founding Fathers believed that America would be and should be the beacon of liberty, of hope and justice to the whole world. That was our strength. That is what the Founding Fathers believed in. That is what America is supposed to be all about. It is not that we are the toughest guy in the world and have the most weapons, but we can count on the friendship of good and decent people all over the world. That is where America's strength is. That is the type of world

we are trying to build. America's strength was not in that we were allied with dictatorships.

Let me note that on this floor we have two pictures. We have George Washington over here and we have the Marquis D'Lafayette here. Why do we have a picture of a foreigner on the floor of Congress? This was a man who came to the United States before there was a United States. He stood for the principles of freedom and democracy and helped us win our battle against the most oppressive, imperialistic power of the day, Great Britain.

We do not want to betray our Founding Fathers today and side with the oppressors of the world, the people who would use weapons to oppress their own people and stifle democratic institutions. If we do, if this is our policy now that the cold war is over, I can assure my colleagues that if we look at George Washington, the Father of our Country, and if we look very closely into the eyes of Lafayette, that we will see a tear because they will know that we are no longer the American people that they thought we would be.

So I stand here today with people who only years ago were my adversaries on many issues.

The CHAIRMAN pro tempore [Mr. EWING]. The time of the gentleman from California [Mr. ROHRABACHER] has expired.

(By unanimous consent, Mr. ROHRABACHER was allowed to proceed for 30 additional seconds.)

Mr. ROHRABACHER. Mr. Chairman, I would just say that I am very proud to stand with the gentlewoman from Georgia [Ms. MCKINNEY], the gentleman from California [Mr. DELLUMS], very proud to stand with the gentleman from New Jersey [Mr. SMITH], and people on both sides of the aisle, who are saying that through this code of conduct, this is the way America will be strong, this is the way we will live up to what our Founding Fathers wanted us to be, and it is a bipartisan issue, and together we are standing for the true and democratic principles that our Founding Fathers believed in.

I thank the gentlewoman from Georgia.

Mr. DELLUMS. Mr. Chairman, I move to strike the requisite number of words.

I yield to the gentlewoman from California [Ms. PELOSI].

Ms. PELOSI. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I rise in support of the new code of conduct for weapons sales, and I commend the gentlewoman from Georgia [Ms. MCKINNEY] for exceptional leadership on this, as well as the gentleman from California [Mr. ROHRABACHER] for his, as well.

Mr. MCGOVERN. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Massachusetts.

Mr. MCGOVERN. Mr. Chairman, I thank the gentleman for yielding. I rise in support of the McKinney amendment.

Mr. Chairman I rise today in support of the amendment offered by the gentlelady from Georgia [Ms. MCKINNEY]. I want to thank her for the leadership she has taken on this very important issue to establish a code of conduct on U.S. arms transfers.

Mr. Chairman, the United States is the *world's undisputed political leader.* We are *also the undisputed* leader in *arms exports,* shipping more arms abroad than all other countries combined. If we are to set a standard that establishes a pro-democracy, pro-human rights criteria for arms transfers, U.S. leadership is crucial. If the United States sets *a* standard, then our Government can challenge others to adhere to similar standards. When the United States has led the way in the past—such as in the control of ballistic missiles—other nations soon followed.

Simply put, Mr. Chairman, this code of conduct would declare, clearly and unambiguously, that the United States will no longer play the dangerous game of putting dangerous weapons in the hands of dangerous governments. The United States will no longer fuel regional arms races. And the United States will no longer be associated with repression and international weapons proliferation.

The code of conduct that would be established by approving this amendment is very simple. For a country to be eligible to receive U.S. weapons, they must meet four criteria. They must: First, be a democratic form of government; second, respect the basic human rights of their citizens; third, refrain from aggression against other nations; and fourth, fully participate in the U.N. Register of Conventional Arms. These criteria are all primary tenets of U.S. past and present foreign policy. The President may exempt a country from this criteria and the Congress would need to affirm that decision. Over 100 national organizations in the United States support this code of conduct.

A Commission of Nobel Peace Laureates, made up of 16 Nobel Peace Prize winners, have called for an international code of conduct on arms transfers. This commission includes such individuals as Oscar Arias, the former President of Costa Rica; the Dalai Lama; Jose Ramos-Horta from East Timor; Lech Walesa of Poland; Archbishop Desmond Tutu from South Africa; Holocaust survivor and author Elie Wiesel; Mairead Maguire, the champion of peace in Northern Ireland; Rigoberta Menchu, Mayan Indian and human rights advocate from Guatemala; human rights and development champion, Adolofo Perez Esquivel of Argentina; Amnesty International; the American Friends Service Committee; the International Physicians for the Prevention of Nuclear War; and several others.

Certainly the United States should be the leader on such an important international policy.

Yet for some reason, the United States has abrogated its responsibility to be the world leader on this issue. Instead, of the countries that comprise 80 percent of the world's arms exports, only France and the United States remain uncommitted to a policy of denying arms to dictators and human rights abusers. When the Labour Party won the recent elections in Great Britain, they immediately declared that the "Labour Government will not issue export licences for the sale of arms to regimes that might use them for internal repression or international aggression, nor permit the sale of weapons in circumstances where this might intensify or prolong existing armed conflicts or where these weapons might be used to abuse human rights." They also pledged that the British Government will now work for the introduction of a European code of conduct to govern arms exports from all the European Union member states.

Mr. Chairman, the time has come for the United States to establish a code of conduct. I urge my colleagues to vote in support of the McKinney amendment.

Mr. Chairman, I enter into the RECORD the Labour Government's policy on a responsible arms trade along with information on the positions of other European leaders on this issue.

LABOUR'S POLICY PLEDGES FOR A RESPONSIBLE ARMS TRADE

EIGHT STEPS TO STOP THE ARMS-TO-IRAQ SCANDAL HAPPENING AGAIN

1. A Labour Government will not issue export licences for the sale of arms to regimes that might use them for internal repression or international aggression, nor will we permit the sale of weapons in circumstances where this might intensify or prolong existing armed conflicts or where these weapons might be used to abuse human rights.

2. Labour will increase transparency and introduce more stringent controls over the export of defence equipment in line with recommendations of the Scott Report. We will therefore publish an annual report on UK strategic exports. The report will set out the state of export controls and report on their application. It will set out the total value of defence exports to each country, list by country of destination the number of items delivered in each equipment category and give details of all export licences granted and refused. It will be expected that the Foreign, Defence and Trade and Industry Select Committees will wish to examine the annual report which in turn may pave the way for a parliamentary debate.

3. Labour will press for a European Register of Arms Exports which will provide at a European level the information that Britain will make available in the annual report.

4. Labour will work to strengthen the UN Conventional Arms Register encouraging greater disclosure of information on arms exports and arms transfers by all countries and extending it to include other categories of weapons such as small arms.

5. Labour will work for the introduction of a European Code of Conduct setting high common standards to govern arms exports from all European Union member states.

6. Labour will prevent British companies from manufacturing, selling or procuring equipment, such as electric shock batons, designed primarily for torture and we will press for a global ban.

7. Labour will ban the import, export, transfer and manufacture of all forms of anti-personnel land mines and their component parts and we will introduce an immediate moratorium on their use. We will also press internationally for more rapid progress in demining operations.

8. The Scott Inquiry Report demonstrated the extent of "diversionary routes" used by Iraq to acquire defence equipment through

third countries using false end-user certificates. Labour will strengthen monitoring of the end-use of defence exports to prevent diversion to third countries and to ensure that exported equipment is used only on the conditions under which the export licence has been granted. We will also seek cooperation to build a common approach on effective monitoring of end-use within the European Union and under the Wassenar Arrangement.

EUROPEAN PARLIAMENT,
MEMBER OF THE EUROPEAN PARLIAMENT,
May 9, 1997.

DEAR REPRESENTATIVE: We understand that the House of Representatives will be voting on the US Code of Conduct on Arms Transfers which will be offered as an amendment to the Fiscal Year 1998–99 Foreign Aid and State Department Authorisation Bill (HR 1486). We look forward to Congress taking a lead on this vitally important issue.

There are important opportunities this year for the European Union and the United States to coordinate the establishment of similar controls on the arms trade. Previously no country has been willing to take significant unilateral steps towards control, fearing the loss of export markets to competitors. It is, therefore, vital that the US and the EU, as the world's leading suppliers, act together to implement restraint.

Within the European Union (EU), the new British government is committed to establishing an EU Code of Conduct on the arms trade setting high common standards of restraint for all EU Member States. The German, Swedish, Dutch, Irish and Belgian governments have also indicated their support for a restrictive common EU arms export policy as advocated by an EU Code. At European level the European Parliament has passed three resolutions calling on Member States of the European Union to develop a Code of Conduct on arms transfers.

Lack of restraint in the past has led to so-called boomerang effect situations. During the Gulf War allied troops faced an Iraqi army supplied with weapons from both the United States and Europe. Similarly, US troops in Panama, Haiti, Somalia, and the former Yugoslavia have faced hostile forces armed with weapons and weapons technology supplied by the United States.

The establishment of parallel Codes of Conduct on both sides of the Atlantic would counter the familiar argument "if we don't sell arms, someone else will". The debate over US policy on sales of high tech. weaponry to South America highlights the urgent need for a co-ordinated approach. In the past, concerns over the dangers posed by the introduction of new levels of technology dictated US policy in the region. Yet now, the Clinton Administration finds itself under pressure to change its policy, for fear of "losing" sales to Europe and other competitors. The establishment of similar Codes in the US and EU removes this risk by creating responsible common controls.

A European Code of Conduct, similar to that which the House of Representatives is soon to consider, would seek to expand, clarify and implement criteria already agreed by EU Member States. These criteria stress that weapons exports should take into account such factors as the internal and regional stability of recipient states, the human rights record of the recipient state, and the status of democracy in the recipient state.

The adoption of responsible Codes of Conduct in the EU and US would also encourage progress towards the establishment of an International Code of Conduct within the United Nations. With this in mind a Commission of Nobel Laureates led by Dr Oscar Arias, including Mikhail Gorbachev, Jose Ramos Horta, The Most Reverend Desmond Tutu and The Dalai Lama is currently encouraging the development of a such a Code.

We write to encourage you to support the Code of Conduct on Arms Transfers amendment. Due to its undisputed position as the world's leading weapons exporter, success in the United States will add significant weight to the move towards efforts to establish a European wide Code of Conduct. We look forward to Congress taking a leading role, and to a positive outcome.

Yours sincerely,

Glenys Kinnock MEP (UK), First Vice-President, ACP/EU Joint Assembly; Michel Rocard MEP (France), President, Committee for Development Cooperation; Jan Willem Bertens MEP (Netherlands), President, Sub-Committee on Security and Disarmament; Wilfred Martens MEP (Belgium), President of the European People's Party; Bernie Malone MEP (Ireland), Vice President, Employment and Social Affairs Committee; Pauline Green MEP (UK), Leader of the Socialist Group; Dr Christoph Konrad MEP (Germany), Member, Sub-Committee on Security and Disarmament.

CODES OF CONDUCT ON ARMS TRANSFERS: AN OPPORTUNITY FOR THE UNITED STATES AND ITS EUROPEAN ALLIES TO WORK TOGETHER

The European Union (EU) and the United States together account for 80 percent of the global arms trade. There is clearly a need for a more responsible, principled approach to arms exports on the part of the major suppliers. More specifically, increased coordination on arms export policy between the United States and the European Union would better allow the allies to work in concert in their efforts to promote democracy and international stability. A coordinated export policy should emphasize regional and international security considerations, as well as human rights and development, and not allow such critical foreign policy concerns to be overshadowed by short-sighted commercial interests.

The EU has already agreed to eight common criteria governing arms exports, and there is significant progress on expanding the criteria. Specifically, there is growing support among European governments, including the UK and Germany, for an EU-wide Code of Conduct on the arms trade setting high common standards for weapons exports for all EU countries. In addition:

The new UK Government has pledged that it will "work for the introduction of an EU Code of Conduct setting high common standards to govern arms exports from all European Union Member States."

The German government "favours the most binding application possible of the fundamentals contained in the EU Code of Conduct on the arms trade."[1]

THE NEED FOR MULTILATERAL ACTION

Focusing narrowly on maintaining market share, to date, no country has been willing to take unilateral steps toward control, fearing it will lose export markets to competitors. Therefore, it is vital that as the world's leading suppliers, the EU and the United States work together to implement restraint. Building on common guidelines already agreed by the EU and by the Organization on Security and Cooperation in Europe (OSCE), the U.S. and EU should institute parallel Codes of Conduct on arms transfers. Together, these Codes would:

Protect European and American military personnel. Lack of restraint and common policy on arms exports places our armed forces at risk in overseas operations. This weapons "boomerang" endangered European and American troops who faced weapons supplied by their own governments during peacekeeping operations in Somalia, Bosnia and Rwanda. Allied troops also faced an Iraqi army heavily armed as a result of arms exports from the UK and France during the 1980s.

Prevent undercutting. In response to concerns over controversial weapons sales, weapons manufacturers often take the focus away from the policy implications of these transfers by arguing that "if we don't sell, someone else will." As a result, threats of lost market share have overshadowed the real consequences of these transfers—even in the most controversial weapons sales. Cooperation on export policy will prevent either U.S. or European companies from undercutting one another in pursuit of sales, and as a result will allow governments to take a more measured look at the foreign policy and human rights implications of proposed transfers.

Reduce discrepancies on human rights and regional stability. The "if we don't sell, someone else will" argument used by the defense industry also misses the point that weapons sales are not just like any other commodity sold on the international market. Governments deal with weapons transfers differently precisely because the impact that weapons transfers can have is so vast. As major suppliers, the U.S. and EU have a special responsibility to ensure that the perceived economic gain of a weapons transfers does not take precedence over key foreign policy concerns, and that weapons transfers do not contribute to instability and global violence. While human rights and regional stability considerations already play a role in decision-making on arms sales on both sides of the Atlantic, there is considerable divergence in how these standards are translated into policy by different governments. For example, in response to human rights violations, the US has a ban on the export of armored personnel vehicles to Indonesia, whereas the UK recently signed a deal for 100 such vehicles. Parallel US and EU Codes would encourage a convergence of arms export control policies at the higher levels of restraint, thus helping to iron out such discrepancies.

PROGRESS ON THE EU CODE OF CONDUCT

In the aftermath of the Gulf War, EU countries agreed eight common criteria to govern arms exports. These were designed to restrain arms sales to regions of tension, to countries with poor human rights records and to military aggressors. Currently, however, these criteria are vague and non-binding. Despite the adoption of common guidelines, EU countries continue to maintain divergent national arms export policies. Export policies vis-à-vis Indonesia provide a particularly striking example. The UK and Germany will export weapons to Indonesia, though Germany has a presumption of denial on light weapons transfers. Other EU countries' policies are more restrictive. For example: Portugal has a self-imposed arms embargo on Indonesia; Sweden will not approve any new weapons contracts; and Italy temporarily suspended arms exports to Indonesia

[1] The proposed EU Code of Conduct text drafted by the British American Security Information Council, Saferworld, and the World Development Movement.

in 1993 following UN criticism of the Suharto regime's human rights record.

This failure to implement common arms export controls has enabled the EU Member States to defend arms exports to countries in regions of tension or with poor human rights records by arguing that "if we don't sell arms, someone else will." Subsequently, several European governments including the UK and Germany support the adoption of an EU Code of Conduct on the arms trade which would provide a common, restrictive interpretation of the eight criteria. Several other governments, including Sweden, Netherlands, Italy, Belgium and Ireland have also given their qualified support for the EU Code. Specifically, the Code initiative seeks to:

Strengthen the eight criteria already agreed by providing a restrictive interpretation of them and making them legally binding on all EU countries.

Increase accountability and transparency in the arms trade by providing a tool by which parliamentarians can monitor government practice against objective standards.

CODES OF CONDUCT GAINING SUPPORT ACROSS EUROPE AND BEYOND

Support for an EU Code is growing, with the United Kingdom, Germany, Sweden, the Netherlands, Italy, Belgium and Ireland all lending their support to the initiative. Given the new British government's declarations in support for an EU Code, the initiative is likely to gain significant momentum, when the UK holds the EU Presidency in the first half of 1998.

A cross-party network of over 300 parliamentarians across Europe have pledged their individual support for efforts underway to establish Codes of Conduct in the EU and US. Supporters include: Robin Cook, UK Foreign Secretary; Margaret Beckett, UK Minister for Trade and Industry; Reginald Moreels, Belgian Development Minister; Michel Rocard, Member of the European Parliament and former French Prime Minister; and Jan Willem Bertens, Member of the European Parliament from the Netherlands and Chair of the Committee on Security and Disarmament.

An array of over 100 eminent figures have declared their support for national, regional, and international codes of conduct. Supporters include: Dr. Oscar Arias; Dr. Joseph Rotblat; Rev. Desmond Tutu; Mikhail Gorbachev; the Dalai Lama; Patricia Derian, former US Assistant Secretary of State for Human Rights and Humanitarian Affairs; David Lange, former Prime Minister of New Zealand; Barber Conable, former President of the World Bank; and Nobel Peace Prize laureate Mairead Maguire.

Former President of Costa Rica Dr. Oscar Arias has convened a commission of his fellow Nobel Peace laureates to serve as a high-profile "moral voice" in support of Codes of Conduct. The Commission of Nobel Laureates currently includes: Dr. Oscar Arias, Mikhail Gorbachev, Archbishop Desmond Tutu, the Dalai Lama, Lech Walesa, Joseph Rotblat, Mairead Maguire, Betty Williams, Ellie Weisel, José Ramos Horta, Adolpho Perez Esquivel, and Norman Borlaug, as well as Amnesty International, and the American Friends Service Committee. Dr. Arias and the Laureates Commission are now actively promoting a model international code to governments, UN officials, and the general public around the world.

Mr. LUTHER. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Minnesota.

Mr. LUTHER. Mr. Chairman, I rise also in support of the McKinney amendment. I commend the gentlewoman for her outstanding leadership on the code of conduct.

Mr. Chairman, I rise in support of the McKinney amendment that aims to curb the proliferation of conventional weapons around the world. The push to sell arms overseas began in the early 1990's after the end of the cold war when Pentagon procurement of conventional weapons significantly decreased, and today in some instances, the U.S Government is actually encouraging foreign government to purchase arms from U.S. defense contractors. This policy is unacceptable, and I call on the administration to join us in curbing these sales.

This Code of Conduct simply requires congressional approval for arms transfers to foreign governments that are undemocratic, do not protect human rights, or are engaged in acts of armed aggression. This common sense amendment does not restrict arms sales to our strongest allies and makes exceptions in cases where national security is an issue.

The United States is by far and away the world's premier arms dealer, and a high percent of U.S. arms sales to the developing world are to non-democratic countries where citizens have no right to choose their own government. These sales strengthen repressive and corrupt militaries and often these countries purchase weapons at the expense of much needed investments in education, health care and basic infrastructure needs. Sometimes these weapons are used against our country's own armed forces.

The European Union, as the second largest arms dealer in the world, has already agreed to eight common criteria governing arms exports and is making significant progress in expanding the criteria. Therefore, the argument that "if we don't sell arms, someone else will," cannot be used in opposition to this amendment. There should be a coordinated policy between the United States and Europe relating to arms sales, and the European Union is to be commended for taking the lead in addressing this critical issue.

With the end of the cold war, the proliferation of conventional weapons around the globe has become an issue of international concern. I urge my fellow House Members to support this responsible amendment. I also commend Ms. McKinney from Georgia for her hard work on this issue.

Mr. ENGEL. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from New York.

Mr. ENGEL. Mr. Chairman, I rise in strong support of the McKinney amendment. We ought not to transfer American weapons to foreign governments that are undemocratic.

Mr. SANDERS. Mr. Chairman, will the gentleman yield?

Mr. DELLUMS. I yield to the gentleman from Vermont.

Mr. SANDERS. Mr. Chairman, I rise in strong support of the McKinney amendment and congratulate the gentleman from California [Mr. ROHRABACHER] on his efforts. This is an important step forward.

Mr. DELLUMS. Mr. Chairman, I sense that we are in the closing moments of this debate and I sense that there is clearly an emerging very strong bipartisan consensus in support of this amendment. So I would simply, in brief, congratulate and thank both my distinguished colleague, the gentlewoman from Georgia [Ms. MCKINNEY], and my distinguished colleague, the gentleman from California [Mr. ROHRABACHER] for their persisting in this effort to establish a code of conduct for this Nation on the transfer and the sale of military arms.

In brief, if we continue, Mr. Chairman, to look upon weapons sales as one of our major exports, I believe that it is imperative that, as a great nation, we establish some basic ground rules on such sales. The beauty, the brilliance, and the eloquence of the amendment that is before us lies in the fact that it is both basic and simple. It simply asks that any country receiving U.S. arms meet four very straightforward conditions. I repeat them and underscore them for the purposes of emphasis:

One, have a democratic form of government. Two, respect human rights. Three, be nonaggressive. And four, participate in the U.N. register of conventional arms. What could be more fundamental? What could be more basic? What could be more simple? Therein lies the eloquence, the brilliance, and the genius of this amendment.

As a longtime supporter and one who has given all of my adult life to the cause of peace, I am pleased, proud, and honored to associate myself with the remarks of all of my colleagues who have spoken prior to me at this point. I would urge my colleagues to support the amendment.

Mr. CAMPBELL. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment by my colleague from Georgia [Ms. MCKINNEY], and I wish to recount to my colleagues that during the committee deliberation she was gracious enough to accept an amendment of mine to her amendment, which enabled me to support it. It may be of importance to other colleagues who had the same reservation that I did to notice what this amendment does.

The concern that I had is that occasionally American foreign policy requires the transfer of arms to nations that are not exactly exemplars of human rights, but oftentimes we nevertheless find it in our interest to transfer arms to such countries so that they might transfer arms to others.

One can imagine, for example, if it is in the United States interests, and it might be, to support one side or other in a war, let us say an Iran-Iraq situation, but we nevertheless may not wish

that to be known as a matter of public knowledge. We might transfer arms to Saudi Arabia and Saudi Arabia would then transfer them.

In any event, whether that hypothetical is accurate or not, the thought occurred to me that we must be careful to leave the President sufficient freedom when a special circumstance arises that he could carry out the policy of the United States without having it spread across the front pages of the newspapers.

And so the gentlewoman from Georgia [Ms. MCKINNEY] was kind enough to accept in the committee, and we all approved in the committee, the amendment which is now found in the committee print of the bill in clause (d)(2): "The President, when in his determination it is not contrary to the national interest to do so, shall submit to the Congress at the earliest possible date reports containing determinations with respect to emergencies under subsection (c)(1)(b)."

That sentence was added at my request. As a result, if I might just take a moment and parse this, when the President realizes that it is in the national interest not to do so, when it is in the national interest not to make this transfer public, he may, under the emergency circumstances presented in the bill, refrain from doing so.

Certainly, it is in the interest of all of us in the normal case, and consistent with the sense of the amendment of the gentlewoman from Georgia [Ms. MCKINNEY] that we do make public departures from our policy regarding States that fail to meet the standards that were outlined in the amendment. But, occasionally, this will not be the case.

I note to all of my colleagues who might have had concerns about the amendment that as it has now been amended, as it now reads, they should not have such a concern. If it is in the national interest to do so, the President need not make an arms transfer a matter of public record.

Accordingly, I was able to support the McKinney amendment. In the previous Congresses I was not able to do so. But I thought in this case my colleague was gracious, and, I believe, served the national interest, in accepting this amendment. So today, Mr. Chairman, I am able to support it and I urge my colleagues to support it and particularly those of my colleagues who might have expressed some concern about the amendment heretofore.

Last, in one point of lightness to my good friend and colleague from California, Mr. DELLUMS, I believe the provision is that countries must be democratic and not Democrat. I could be in error about that, but I think that is how it should be.

Mr. DELLUMS. Mr. Chairman, if the gentleman would yield, democratic is what the gentleman attempted to say. We tend to get into this Democrat business and I do not like that. I would like to think we are talking substantively here, we are talking about democracy.

Mr. CAMPBELL. Mr. Chairman, might I reclaim my time by saying that the gentleman portrays the very best of that spirit and I was offering the correction only in the sense of humor.

Mr. KENNEDY of Massachusetts. I rise in strong support of my colleagues' amendment. I am pleased to have worked with them for many years now on the issue of demilitarization around the world. By promoting demilitarization we are able to help insure our own Nation's security interest.

In 1995, I joined with Dr. Oscar Arias, the Nobel Peace Prize winner, to launch the Year 2000 Campaign. This campaign seeks to have industrialized nations condition their aid to promote demilitarization. I believe that we should condition U.S. foreign assistance on the size of a country's military budget.

Last Thursday, Dr. Arias joined Betty Williams of Northern Ireland, Elie Wiessel the Holocaust survivor, the Dalai Lama, Desmond Tutu of South Africa, and ten other winners of the Nobel Peace Prize to announce their support for the International Code of Conduct, which is based on the McKinney-Rohrabacher bill.

I do not believe that the U.S. tax dollars should be used to help subsidize a country's military expenditures when that country does not have a democratically elected government or it spends more on weapons than on health care or nutrition or education.

Non-democratic governments received 84 percent—nearly $50 billion—of the $59.1 of American weapons that were transferred to developing countries through foreign aid or Pentagon administered corporate sales during the past 5 years.

Developing countries received 67 percent of the $88.5 billion total of U.S. arms transfers during the past 5 years.

Perhaps Indonesia provides the best example of what we ought not to be doing. The Indonesian Armed Forces have become a military mafia, receiving $1.6 billion every year in United States backed loans from the World Bank—equal to that country's entire reported military budget. Yet it is no secret that the Indonesian military under-reports its military expenditures by somewhere between 25 and 50 percent.

In Indonesia we see a military economy, dictatorship, human-rights abuses, and the illegal occupation of East Timor. The army controls massive private and state-run corporations. They systematically shake-down the wealthy ethnic Chinese business community. The military maintains a shadow government controlling life from the national level to the smallest village.

This amendment would end United States military support for Indonesia. And, after last month's fraudulent elections in which only one party was allowed to campaign and opposition leaders were harassed and jailed, it is about time that the United States end support for Indonesia.

The code of conduct required foreign governments to promote democracy through a free, open, and fair elections. It requires them to promote the rule of law. It requires them to respect human rights. It requires them not to be engaged in armed aggression that violates international law. And it requires them to fully participate in the U.N. Register of Conventional Arms.

These are all ideals which all Americans share. Shouldn't our foreign aid policy reflect these ideals?

Mr. Chairman, the United States has a great deal of power. We also have a great deal of responsibility. We should help foster democracy and freedom in the world. I urge all my colleagues to vote yes on this amendment.

Mr. NADLER. Mr. Chairman, I rise to support the McKinney-Rohrabacher amendment to establish an arms sales code of conduct.

After more than 30 years of the cold war with record high peacetime defense budgets and a tremendous amount of global arms exports, the United States has left the world armed to the teeth with millions of tons of bombs, jets, submarines, and artillery. The world is awash in weapons.

These excessive exports have fueled armed conflicts throughout the world, destabilized regions, and have forced governments of developing nations to spend more money on arms and less money on the vital needs of their people.

In 1994 alone the United States sold or gave $13 billion of weapons to almost 100 countries, many of which, according to the State Department's Country Reports on Human Rights, are run by abusive or nondemocratic regimes. In Panama, Iraq, Somalia, and Haiti, United States Forces were threatened by troops assisted by United States training, weapons, or military technology.

We must put an end to this deadly cycle, and this amendment would do just that by giving Congress a real role in shaping U.S. arms export policy. The bill does not impose an inflexible ban, but instead provides for a responsible review policy, whereby Congress must carefully consider arms sales to abusive regimes. If congress agrees with the President that it is in our national interest to continue to sell weapons to a particular country, then sales would be permitted. This is not a ban on all arms exports; it is a reasonable step that we can take now to begin to curb weapons sales to dangerous regimes.

As the leading arms exporter, the United States has the opportunity and the responsibility to accept certain limitations on the sale of American arms. If we act boldly on this issue, I am confident the world will follow. When the United States led the way by refusing to export anti-personnel landmines, the rest of the world followed and enacted bans of their own. Efforts are already underway to create an international code of conduct on conventional arms transfers, and voting for this amendment will further strengthen those efforts.

I want to commend Representatives MCKINNEY and ROHRABACHER for offering this amendment and I urge my colleagues to vote for it.

Ms. HOOLEY of Oregon. Mr. Chairman, I rise in support of this amendment. I support

the measure because we cannot, in good conscience, continue to turn a blind eye to the undemocratic and often deplorable practices of a few rogue nations.

The code of conduct legislation does more than just recognize the atrocities being committed by these countries. It directs the President to certify countries interested in purchasing weapons from the United States based on their ability to institute democratic practices. The code would prohibit sales of arms to nations partaking in human rights violations and acts of aggression.

Former Senator Hatfield, one of the original sponsors of code of conduct legislation in Congress, stated that last year that "it is time for Congress to assume a greater responsibility for our arms export policies." Those words still ring true. This week, we have voted on amendments to condemn various countries from involvement in terrorism, for brutal acts of religious or ethnic persecution, and to punish countries for acts of armed aggression. Yet, some Members would vote to allow continued sales of arms to these same countries which have raised our ire. It's time to stop talking about the horrific acts of these rogue nations and start doing something to curb the ability of those nations to acquire the tools to conduct their atrocities.

Furthermore, how can we continue to sell arms to nations that may use those weapons against American soldiers? This practice puts our sons and daughters in further danger whenever our troops are deployed. Our soldiers have already faced forces armed with United States produced weapons in recent troop deployments in Iraq, Somalia, Haiti, and Panama. This is unacceptable.

Let's finally bring some accountability to the process of selling arms on the international market. I urge my colleagues to support this amendment.

Mr. FARR of California. Mr. Chairman, I rise today in support of implementing a code of conduct for U.S. arms transfers.

The spread of weapons is one of the most serious threats to our Nation's security today. Unfortunately, our own country has contributed to this proliferation. Tens of billions of dollars of weapons are sold by U.S. arms manufacturers to countries around the world, and today the United States is a leading supplier of military equipment to foreign nations.

Many of these weapons sales are made to governments that are hostile to the United States or to their own people. There is nothing to prevent many of these countries from using American weaponry to suppress democracy or violate human rights within their borders. And let us not forget United States military engagements in Iraq, Panama, and elsewhere where our own troops have been threatened by opposing armies armed with American-made weapons. We should not stand for a policy that sacrifices the lives of our own soldiers for the sake of making a buck.

Congresswoman CYNTHIA MCKINNEY has been a tireless advocate for creating a code of conduct for arms manufacturers which would end this senseless and dangerous practice. The code of conduct would not outlaw arms sales, but require that arms exports be made only to those nations that are democratic and respect the human rights of their own people. Weapons sales to any other countries would require approval by the President and Congress.

Let us stop putting the lives of innocent people at risk. I urge my colleagues to support creating a code of conduct for U.S. arms sales.

Mr. ENGEL. Mr. Chairman, I rise to express support for the amendment offered by my good friend from Georgia, Ms. MCKINNEY. This fine amendment prohibits arms transfers to foreign governments that are undemocratic, do not protect human rights, or are engaged in acts of aggression.

We must all recognize that as the leader of the free world, our country must set the standard in the effort to prevent the sale of arms to dictators. Unfortunately, our Government still provides its materiel to some of the world's most autocratic governments. In fact, in several recent conflicts where large numbers of American troops have served, including Somalia and Panama, we have opposed soldiers armed with weapons supplied by the United States. It's time we learned from these mistakes.

Mr. Chairman, I commend the gentlewoman from Georgia for her leadership on this issue and urge my colleagues to vote in favor of the code of conduct amendment.

Ms. HARMAN. Mr. Chairman, I rise today in opposition to the Rohrabacher amendment to H.R. 1757, the Foreign Relations Authorization Act, which would deny United States foreign assistance to Russia to prevent the transfer of missile technology to China and Iran.

While I am a strong supporter of nonproliferation measures, and measures to increase stability in the Asia-Pacific region, I firmly believe this amendment would have exactly the opposite effect of what it intends: it would, in fact, encourage the illegal transfer of technology by Russia.

The primary reason for the transfer of such technology in cash-strapped Russia is to obtain hard currency. To deny United States aid would make Russia's dire economic circumstances worse. The inevitable response by desperate business interests will be to seek even more illicit trade.

We are all aware of allegations that have recently surfaced regarding Russian technological assistance to rogue nations that would enable them to build advanced missiles capable of targeting our friends and allies.

These allegations must be taken seriously, by the administration and Congress. I have written to and called our National Security Adviser, Sandy Berger, on several occasions and he has arranged several excellent briefings for Members. He has also assured me that President Clinton took up these issues with President Yeltsin at the May 27 Paris summit, follow-up continues, and further efforts will be made at the highest levels later this summer.

Mr. Chairman, this amendment is well intended but misses the mark. We must provide appropriate aid to Russia to help it monitor proliferation, and to rebuild its economy so the impulse for illicit proliferation is reduced.

In this case, less is less. Less aid means less control and less security. I urge my colleagues to vote "no."

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from Georgia [Ms. MCKINNEY].

The amendment was agreed to.

The CHAIRMAN pro tempore. Are there other amendments?

AMENDMENT OFFERED BY MR. ROHRABACHER

Mr. ROHRABACHER. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. ROHRABACHER. No, it is not, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROHRABACHER:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—MISCELLANEOUS PROVISIONS

SEC. 2001. ASSISTANCE FOR THE RUSSIAN FEDERATION.

None of the funds made available to carry out chapter 11 of part I of the Foreign Assistance Act of 1961 (22 U.S.C. 2295 et seq.) for fiscal years, 1998 and 1999 may be made available for the Russian Federation if the Russian Federation, on or after the date of the enactment of this Act, transfers an SS-N-22 missile system to the People's Republic of China.

□ 1800

The CHAIRMAN pro tempore (Mr. EWING). Pursuant to the order of House of June 5, 1997, the gentleman from California [Mr. ROHRABACHER] and a Member opposed, the gentleman from Florida [Mr. WEXLER] each will control 5 minutes.

The Chair recognizes the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I yield myself such time as I may consume. Again I would like to offer my congratulations to the gentlewoman from Georgia [Ms. MCKINNEY] for the great job that she did in providing this code of conduct legislation. Again, I was very proud to stand by her and work with her in that effort.

On this particular amendment, it has something to do with a different part of the world in terms of setting standards just for the United States. This particular amendment that I am offering would deny all $95 million in U.S. foreign assistance funding to Russia during fiscal years 1998 and 1999 if the Russian Federation transfers supersonic SSN-22 missiles to China.

This advanced cruise missile system endangers the lives of countless American service men and women and could alter the balance of power in key strategic areas such as the Straits of Taiwan and the Persian Gulf. This sunburn missile was created by the Russians to attack American ships, especially American ships that are equipped with advanced Aegis sea and air radar battle management systems. The SSN-22, a supersonic sea skimmer missile, can be

fired by a ship or from land and it is extremely difficult to defend against. A long-range version of that missile can damage an aircraft carrier.

In December 1996 a secret weapon sale agreement was completed in Moscow during the state visit of the Chinese premier. The Chinese began seeking to acquire this missile in direct response to the deployment of U.S. warships in the Straits of Taiwan during China's attempt to militarily intimidate Taiwan during its national elections.

The immediate impact of the transfer of SSN–22 missiles will give the Chinese significant offensive advantages over regional navies and further their ambitions in the South China Sea and other areas of the Pacific. A serious long-term effect is the Chinese ability to reverse engineer the SSN–22 technology, thus to develop lethal parity with the United States Navy.

Another immediate grave threat is the potential transfer of SSN–22's from China to Iran. China has become the primary arms source for the Iranians, to include the shipments of ballistic missiles and chemical weapons technologies. An SSN–22 mounted on a mobile land platform would be extremely difficult to defend against and would threaten any of the ships in the Straits of Hormuz.

The Government of Russia has gone beyond the threshold of acceptability in its conduct by offering to sell this deadly missile to China. My amendment will send a strong message that in return for the generosity shown by American taxpayers to assist Russia during this time of need, the Russian Government must respect the national security of the United States and the lives of our young men and women in uniform.

Let me be very clear on this, Mr. Chairman. This missile was designed by Russia during the cold war to kill American sailors and American airmen. This missile, if it is transferred to the Chinese, will lead at least to the situation where our people are being put in jeopardy. If we are giving $95 million in aid to Russia while they are sending that type of weapons system to a potential enemy, we are making a mistake. Shame on us. Not shame on them.

My amendment simply says, unless they cease and desist from the transfer of this deadly weapons system to the Chinese, they have gone over the threshold of acceptability and we will be cutting off all of our aid to the former Soviet Union, to Russia.

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

Mr. WEXLER. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. GILMAN], chairman of the Committee on International Relations.

Mr. GILMAN. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise to reluctantly oppose the Rohrabacher amendment. The gentleman is someone I admire on the committee and has done much good. I will note that when we considered this amendment in committee, the gentleman from Illinois [Mr. HYDE] offered a perfecting amendment allowing the President to waive this restriction if he found it to be in the national security interest of our Nation.

U.S. assistance programs in Russia are key to United States security. We won the cold war and now it is time to lock in our win to make certain Russia never is such a major threat to the United States.

If the gentleman from California [Mr. ROHRABACHER] would include a Hyde national security waiver, I would not oppose this amendment. However, without a Hyde security waiver, I reluctantly have to oppose the amendment. I am concerned about weapons to China, but this hurts our key interests in Russia without ensuring the end of missile transfers.

Mr. WEXLER. Mr. Chairman, I yield myself such time as I may consume, and I rise in opposition to this amendment.

Mr. Chairman, the purpose of this amendment is certainly meritorious. Nobody wants Russia to transfer antiship cruise missiles to China. That is for certain. But this amendment would also cut off all assistance to Russia if those arms transfers in fact take place. There is always a question of balance. We provide assistance to Russia because it is in the national security interest of the United States to promote economic reform, promote democracy and help prevent future Chernobyls.

The gentleman from Illinois [Mr. HYDE], as the gentleman from New York [Mr. GILMAN] stated earlier, made these points eloquently during our committee markup of the bill. The gentleman from Illinois [Mr. HYDE] offered a waiver to the Rohrabacher amendment to allow the President to make a judgment whether continuing assistance to Russia was in the national security interest of the United States. The Hyde position prevailed. The committee bill included an amendment with the waiver.

There is no such waiver in this amendment before us now. The amendment gives the President absolutely no flexibility and raises one issue above every other priority in United States-Russian relationships. The amendment distorts United States policy toward Russia, and in fact what it is saying is there would be absolutely no circumstance in which there would be a valid security interest of the United States to provide aid for Russia once the transfer of such an antiship cruise missile was made. I do not believe that that is a plausible policy for the United States. This is a veto item for the President, and I strongly urge defeat of the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. ROHRABACHER. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I am afraid I am going to have to reject the idea of putting a waiver into this bill. The bottom line is when we put waivers into these bills, what we do is we are really making them into a sense-of-the-Congress resolution and not changing a darned thing. If we are here to do anything, let us change some things. Let us get down to some real policy decisions and assert the fact that the Congress of the United States should be here protecting the interests of the people of the United States. The McKinney amendment had some real teeth in it and meant something about human rights and democracy. This amendment has something to do really with the security interest of the United States. What we are saying is that there is a threshold over which the Russians have passed, over that threshold that we can no longer tolerate and continue to give them millions upon millions, $95 million in aid to the Russians. It is unacceptable if we are going to give them that kind of aid for them to transfer weapons that are aimed at murdering, at killing American soldiers and American sailors.

This amendment would basically prevent us from subsidizing people who are then turning around and giving this horrible weapons system to potential enemies of the United States and perhaps costing the lives of American sailors.

Please vote for the Rohrabacher amendment for the long-term interests of peace and of the interests of the Russians as well.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

Mr. ROHRABACHER. Mr. Chairman, I demand a recorded vote.

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, further proceedings on the amendment offered by the gentleman from California [Mr. ROHRABACHER] will be postponed.

AMENDMENT OFFERED BY MR. HALL OF OHIO

Mr. HALL of Ohio. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. HALL of Ohio. No, it is not, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. HALL of Ohio:

At the appropriate place add the following (and conform the table of contents accordingly);

SEC. . STATEMENT CONCERNING CONFLICT IN EAST TIMOR.

(a) FINDINGS.—The Congress finds the following:

(1) Indonesia invaded East Timor in 1975 and has since systematically oppressed the people of East Timor.

(2) Since 1975 one-third of the population of East Timor is estimated to have perished of starvation, war, and terror.

(3) Indomesia's invasion was condemned by the United Nations, as was its subsequent occupation of East Timor.

(4) On November 12, 1991, Indonesian troops opened fire on thousands of peaceful mourners and demonstrators at the Santa Cruz cemetery in Dili, the capital of East Timor, killing hundreds and wounding hundreds.

(5) Bishop Carlos Felipe Ximenes Bolo has been the preeminent representative of the people of East Timor, and has at great risk to his own life fought for the human and civil rights of the people of East Timor, while also being a steadfast advocate for nonviolence and dialogue between the people of East Timor and the Indonesian authorities.

(b) DECLARATION OF POLICY.—The Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

Mr. HALL of Ohio (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from Ohio [Mr. HALL] and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Ohio [Mr. HALL].

Mr. HALL of Ohio. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a sense of Congress. It is relative to making a statement concerning the conflict in East Timor. Basically what I am saying is the Congress affirms its support for a just and peaceful solution to the conflict in East Timor.

What happened in 1975 when the country of Portugal pulled out of East Timor, the Indonesian Government came into this small island country and systematically oppressed the people of East Timor to the point where they used to have 700,000 people in their population and a third of them, as estimated, have perished as a result of starvation, war and terror.

Indonesia's invasion was condemned by the United Nations, as was its subsequent occupation of East Timor. On November 12, 1991, Indonesian troops opened fire on thousands of peaceful mourners and demonstrators at Santa Cruz Cemetery in Dili, the capital of East Timor, killing and wounding hundreds.

Bishop Carlos Belo has been the preeminent representative of the people of East Timor and has at great risk to his own life fought for the human and civil rights of the people of East Timor while also being a steadfast advocate for nonviolence and dialog between the people of East Timor and the Indonesian authorities.

The gentleman from Virginia [Mr. WOLF] and I were fortunate enough to nominate Bishop Belo for the Nobel Peace Prize. We were both in Norway this past November, and we were overjoyed and excited that East Timor got the notoriety that they deserve and the reputation that they deserve. The oppression that has gone on in that country has just been unbelievable over the years.

The language that I have in my resolution pretty much parallels what was said about Bishop Belo as he received the Nobel Peace Prize. This is a sense of Congress. It is my understanding that it has support of both sides. I would urge Members to support it.

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

Mr. KENNEDY of Rhode Island. Mr. Chairman, I rise in support of the amendment, and I ask unanimous consent to claim the 5 minutes in opposition.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

Mr. KENNEDY of Rhode Island. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I want to commend my good friend, the gentleman from Ohio [Mr. HALL] for this amendment. I think once again it underscores this body's concern about the actions of the Indonesian Government with respect to the people of East Timor, the horrendous brutality that has taken place there ever since Indonesia invaded and occupied the small island of East Timor.

I think once again the gentleman is communicating the sentiment of this Congress with respect to that troubled part of the world and the fact that we are in solidarity with the Nobel Peace Prize winners, Bishop Belo from East Timor and Jose Ramos Horta, both of whom have received the Nobel Peace Prize for their advocacy on behalf of those troubled people in East Timor who have been struggling for human rights, and those human rights have been systematically neglected and abused by the Indonesian Government. I think the gentleman from Ohio [Mr. HALL] should be commended for his longstanding commitment to this.

□ 1815

I just came to this Congress 3 years ago, Mr. Chairman, and I am joining the gentleman from Ohio [Mr. HALL] in his longstanding advocacy for the people of East Timor. Having visited there myself this past December, I was able to see firsthand what was going on on the ground, speak to the people there, and learn about the atrocities that have been contained within this amendment. Mr. Hall points out that on November 12, 1991, Indonesian troops opened fire on thousands of peaceful mourners and demonstrators at the Santa Cruz cemetery. I think the world watched in horror as film footage was smuggled out of Indonesia that depicted this horrible massacre at Santa Cruz where the Indonesian soldiers opened fire on the crowd there that was assembled, and this told the truth of what was happening in East Timor.

I salute Mr. HALL for once again reminding this Congress and Indonesia that we are not going to sit idly by and watch these human rights abuses continue, and that is why I rise in support of Mr. HALL'S amendment to this bill.

Mr. HALL of Ohio. Mr. Chairman, I want to thank the gentleman from Rhode Island [Mr. KENNEDY] for his very important not only speech, but what he has done relative to this whole issue of East Timor. He is one of the few people, along with the gentleman from Virginia [Mr. WOLF], who has actually been to East Timor and seen with his own eyes the suffering and the oppression that is going on. He has been a real leader, a tremendous partner in this issue, and he has really made a difference.

Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. WEXLER].

Mr. WEXLER. Mr. Chairman, I strongly support this amendment, and I commend the gentleman from Ohio [Mr. HALL] for his leadership in bringing it to our attention.

The situation in East Timor has been a festering sore for Indonesia, for United States-Indonesian relations and, most importantly, for the people of East Timor for more than two decades. This amendment puts the House of Representatives on record as supporting a just and peaceful solution to the conflict in East Timor. It deserves our support, and I urge my colleagues to vote for this amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. HALL].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. SANDERS

Mr. SANDERS. Mr. Chairman, I offer an amendment.

The CHAIRMAN pro tempore. Is the amendment one of those specifically listed in the order of the House of June 5, 1997?

Mr. SANDERS. No, I do not think it is, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. SANDERS: title XVII insert the following new title:

TITLE XVIII—SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

SEC. 1801. SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

(a) FINDINGS.—The Congress makes the following findings:

(1) The Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial.

(2) Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968.

(3) Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India.

(4) Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts.

(5) Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

(6) There is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research.

(7) The Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations, including Amnesty International and Human Rights Watch, Asia.

(8) The Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949.

(9) The arrest of a Tibetan scholar such as Mr. Choephel, who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet.

(10) The Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life.

(11) The Government of the People's Republic of China withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans.

(12) The Dalai Lama of Tibet has stated his willingness to enter into negotiations with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979.

(13) The Chinese have displayed provocative disregard for the concerns of the United States by arresting and sentencing prominent dissidents in close proximity to visits to China by senior United States Government officials.

(14) The United States Government policy seeks to foster negotiations between the Government of the People's Republic of China and the Dalai Lama, and presses China to respect Tibet's unique religious, linguistic, and cultural traditions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all appropriate official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should sponsor and promote a resolution at future meetings of the United Nations Commission on Human Rights and other appropriate international fora regarding China and Tibet which specifically addresses political prisoners and negotiations with the Dalai Lama, until those situations in China and Tibet improve substantially;

(4) the United States Department of State should advise American citizens that Tibet is not currently a safe destination for American travelers;

(5) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and

(6) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

Mr. SANDERS (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Vermont?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from Vermont [Mr. SANDERS] and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Vermont [Mr. SANDERS].

Mr. SANDERS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me just speak very briefly about Ngawang Choephel.

Mr. Choephel is a Tibetan man who studied ethnomusicology at Middlebury College at Middlebury, VT, on a Fulbright scholarship in 1993, and I should tell my colleagues that when he was at Middlebury College he made a whole lot of friends, and a lot of folks in Middlebury and throughout the State of Vermont are very concerned about his fate. In the summer of 1995 he returned to Tibet to make a nonpolitical documentary film about traditional Tibetan music and dance because he was concerned that his cultural heritage was being forgotten. In the fall of 1995 he was arrested and held incommunicado in a Chinese prison for 1 year until he was accused of espionage last October and sentenced last December.

Mr. Chairman, Ngawang Choephel's only crime was to film dancers in Tibet, but the Chinese Government as part of its long-term campaign to stomp out all remnants of Tibetan cultural identity has accused Mr. Choephel of espionage and sentenced him to 18 years in prison for filming dance in Tibet, and followed by 7 years deprivation of political rights. This is the most severe sentence given a Tibetan in over 7 years.

Mr. Chairman, the State Department agrees that there is no known evidence Mr. Choephel committed any crime. This is simply one more example of an outrageous human rights abuse in China. According to the State Department's human rights country report on China and Tibet, the repression there is so severe that there are currently no active dissidents in all of China; they are all in prison.

Mr. Chairman, my amendment represents the response of the Congress to the situation. It is based on language which passed the Senate without dissent and which I introduced as House Concurrent Resolution 44 earlier this spring with the distinguished gentleman from New York [Mr. GILMAN] and the distinguished gentlewoman from California [Ms. PELOSI].

This resolution simply states that Ngawang Choephel and other prisoners of conscience in Tibet and China should be released immediately, but the United States should seek his release; that we should promote access to Tibet for international human rights groups; that the State Department should advise Americans that Tibet is not a safe destination for American travelers; and that we should continue to promote a resolution at future meetings of the UN Commission on Human Rights addressing human rights in China and Tibet until the situation improves substantially.

This is a nonpartisan noncontroversial amendment, and I urge my colleagues to support it.

Mr. GILMAN. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Chairman, I rise in strong support for the amendment offered by the gentleman from Vermont. All the world has come to expect and is not surprised when the rulers of China mercilessly persecute their own citizens. But the case of Mr. Choephel is different and could set a dangerous new trend if left unchecked by civilized nations.

Mr. Choephel is a refugee, was carried across the Tibetan Himalayas by his parents when he was only 2 years old, when they fled the Communist Chinese invasion of their country. He has been living in India since then, gone to study in the United States under a Fulbright Exchange Program established by the Congress to assist Tibetans and His Holiness, the Dalai Lama, to help protect Tibet's unique cultural heritage. He had gone back to Tibet to make a documentary film, to make a film about traditional Tibetan music and dance.

Mr. Choephel's arrest and imprisonment is a refugee nightmare. To return to his own country and to be arbitrarily imprisoned and cut off from the outside world is cruel and an abomination. His imprisonment sends democracies around the world the same type of message that the Chinese Government seeks when it charges parents for the price of a bullet used to execute their own son or daughter or when it appoints a religious leader that he knows the faithful would never follow. The rulers of Beijing apparently want the world to know that we ought to think twice when we assist those who struggle under their oppression.

I do not believe we should, and accordingly I support the gentleman's amendment, and I urge our colleagues to vote for the amendment.

Mr. BEREUTER. Mr. Chairman, will the gentleman yield?

Mr. SANDERS. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Chairman, I want to commend the gentleman from Vermont on his amendment. I have spoken on this issue myself. There is no reason for this gentleman to be detained in any fashion that I can see, and I want to express my appreciation to the gentleman from Vermont [Mr. SANDERS] for his initiative, and I urge my colleagues to support it unanimously.

The CHAIRMAN pro tempore. The time of the gentleman from Vermont [Mr. SANDERS] has expired.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent to take 5 minutes, even though I am not in opposition to the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. WEXLER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Florida.

Mr. WEXLER. Mr. Chairman, I commend the gentleman from Vermont [Mr. SANDERS] for drawing attention to this human rights case. Mr. Choephel should be released immediately. That is the bottom line. I and others, I hope, will support the amendment.

Mr. ROHRABACHER. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. Mr. Chairman, I would ask the gentleman from Vermont if he has any more speakers?

Mr. SANDERS. I believe we do not, Mr. Chairman.

Mr. BEREUTER. Mr. Chairman, I yield to the gentleman from California [Mr. ROHRABACHER].

Mr. ROHRABACHER. Mr. Chairman, I would just like to congratulate my colleague from Vermont for offering this amendment.

As my colleagues know, it is how we react not only to statistics of tens of thousands and hundreds of thousands of people and even millions of people in China who are suffering the brutality of tyranny and oppression in that country but also how we treat the case of one individual, as we are today, that makes us different as Americans than other countries. We care about the individual, we care about people, and this message is going to be delivered by this amendment.

I am very proud to stand with my colleague on this, and I hope that the people at home who are listening to this debate on the foreign policy and foreign aid amendments and such will understand we have got some decisions to make about China. We have got to talk as a country about how we are going to confront this growing threat, the clouds that are massing just over the horizon.

The fact is that China and the United States could be at war within 10 years unless we do what is right, and what is right is not to cower. What will lead to a more peaceful world is not to gloss over human rights abuses, but instead to stand forward and step forward with a solid policy of freedom and human rights and let the people of China know that we are on their side and that way encourage the development of democratic institutions, rather than continually backing down, making loud noises about human rights and then backing down.

I believe some of our businessmen, if the entire country of Tibet was incinerated by the Chinese, if the Muslims in the western provinces were all slaughtered, if all the Christians were tortured in China, they would still be saying we must maintain the same policy with China because we have to have some influence on them.

We need to discuss this as a people, as a free people. We need to talk about the moral implications and decisions we are making, and in my opinion morality and practicality go together, and in the long run if we gloss over these moral issues and forget the individuals that are being tyrannized and going through this oppression, it will not work to the best interests of the United States of America.

So I am very grateful today to my colleague from Vermont [Mr. SANDERS] talking about an individual who deserves our attention, and let us pray that he is freed and the people of China, all of the people of China, are freed from their oppression.

Mr. BEREUTER. Mr. Chairman, I thank the gentleman for his statement. I urge support for this amendment.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Vermont [Mr. SANDERS].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOX OF PENNSYLVANIA

Mr. FOX of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FOX of Pennsylvania:

At the end of the bill, add the following:

SEC. . DESIGNATION OF ROMANIA AS ELIGIBLE FOR ASSISTANCE UNDER NATO PARTICIPATION ACT OF 1994.—

(1) SENSE OF THE CONGRESS.—It is the sense of the Congress that—

(A) Romania has made tremendous progress toward meeting the criteria for accession into the North Atlantic Treaty Organization (NATO) by establishing a mature and functioning democracy, a free market economy, civilian control of the armed forces, respect for the rule of law, respect for human rights and civil liberties, and by implementing a strong economic reform;

(B) Romania has further exhibited its strong commitment to contribute to the stability, reconciliation, and cooperation among the nations of the region by the very significant signing of the basic political bilateral Treaty with Hungary and recent initialing of a similar document with Ukraine;

(C) Romania has already demonstrated its willingness and ability to contribute as a future NATO ally to strengthening the military capabilities and strategic cohesiveness of the Alliance by joining, first among Central and Eastern European countries, the Partnership for Peace Program and by actively participating alongside NATO allies in Bosnia, Angola, Somalia, and Albania;

(D) due to its size, geo-strategic location, economic and military potential, and huge popular support for NATO integration, Romania is of immense and key strategic importance to European stability; and

(E) Romania qualifies under section 203 of the NATO Participation Act of 1994 to receive assistance in making the transition to a full NATO membership and should be invited to start accession negotiations at the earliest stage.

(2) DESIGNATION.—Not later than 180 days after the date of the enactment of this Act, the President shall, pursuant to section 203(d)(2) of the NATO Participation Act of 1994, designate Romania as eligible to receive assistance under the program established under section 203(a) of such Act.

Mr. FOX of Pennsylvania (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The CHAIRMAN pro tempore. Pursuant to the order of the House of June 5, 1997, the gentleman from Pennsylvania [Mr. FOX] and a Member opposed each will control 5 minutes.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield myself such time as I may consume, and I will be exceedingly brief.

Mr. Chairman, I rise to speak in support of this amendment.

Romania is a functioning democracy, and just back in November 1996 we saw where they had the free and fair Presidential elections held for the third

time. We also note with great distinction that Romania has had a free market economy, that its foreign investment is protected by Romanian legislation, that Romania has good relations with its neighbors; further, that Romania has effective control over its military under civilian control. Romania further has a high level of cooperation with NATO, and more important than that point, it has a capacity to deal with security threats in fighting against organized crime, terrorism and drug traffic.

It is for these reasons that I ask the body to support this amendment.

Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Mr. Chairman, I thank my friend, the gentleman from Pennsylvania, for yielding this time to me, and I rise in very strong support of the Fox amendment.

Romania's quest for NATO membership was given a significant boost when the democratic opposition, led by Emil Constantinescu, was elected to office last November.

□ 1830

The peaceful transfer of power following those internationally sanctioned elections was a genuine turning point for that country, a political development unimaginable not very long ago.

At home, the Romanian Government recently announced a bold package of economic reforms designed to check inflation, reduce the budget deficit, and accelerate privatization. If implemented, these important changes could attract much-needed foreign investment.

An anti-corruption campaign has also been initiated. A series of military reforms were adopted in December to ensure civilian democratic control and modernization of Romania's armed forces. While each of these initiatives will require months to realize, the new Romanian leadership has begun to show its courage in taking these important steps.

The first Central European country to join the Partnership for Peace and one of the most active participants, Romania has taken concrete steps to advance its candidacy for possible NATO membership. Of a particularly important note is the historic Treaty of Understanding, Cooperation and Good Neighborliness concluded with Hungary last September. Romanian troops played an active role in the NATO-led Operation Joint Endeavor, part of IFOR in Bosnia, and has continued to contribute to peacekeeping efforts through its participation in Operation Joint Guard.

These developments underscore the positive role Romania can play in fostering stability in NATO's southern flank. Romania's desire to join NATO was clear through its active participation with its Partnership for Peace as well as the ongoing intensified dialogue with the Alliance since April of 1996.

Mr. Chairman, again I want to thank my good friend for offering this amendment. It puts us squarely in line.

Let me just say finally as a footnote, the gentleman from Virginia [Mr. WOLF] and I and others, going back to the 1980's, led the effort to remove the MFN during the Ceausescu regime, they have absolutely turned the corner, and I think with confidence we can say they will be a good partner as part of NATO.

Mr. Chairman, I submit the following letter for inclusion in the RECORD.

COMMISSION ON SECURITY
AND COOPERATION IN EUROPE
Washington, DC, May 21, 1997.

Hon. WILLIAM J. CLINTON,
The White House, Washington, DC.

DEAR MR. PRESIDENT: We urge that the United States actively support the inclusion of Romania among the countries which will be invited by the North Atlantic Treaty Organization (NATO) to begin negotiations for accession to the Alliance. The NATO summit meeting scheduled to be held in Madrid, Spain, on July 8 and 9, 1997, will formally invite some candidate states to commence such negotiations. We believe that Romania deserves to be invited to accede to the Washington Treaty because of both its recent progress in meeting the criteria for membership and its strategic location along NATO's future southeastern edge.

While NATO accession should not be extended to states that do not meet the criteria set forth in the NATO Enlargement Facilitation Act of 1996 (P.L. 104-208), we believe that Romania has demonstrated great progress in all areas and should be favorably considered for inclusion in the first round of enlargement. At a hearing of the Commission on Tuesday, May 13, 1997, we heard testimony from Romania's Ambassador to the United States, His Excellency Mircea Dan Geoana, on the wide range of concerns the Commission and the Congress have had with Romania in recent years. We believe that the evidence supports Romania's claim to meet the criteria for membership, especially in the areas of human rights, national minorities, and freedom of expression and media issues that have been troublesome in the past and were particular subjects of Commission interest.

In light of the rapid approach of the Madrid summit, and the intensive schedule of high-level NATO meetings leading up to that summit, we believe the United States should promptly and publicly clarify its position regarding the NATO process for accession by all states which meet the criteria. An announcement of U.S. support for such a process would lessen diplomatic and media speculation about a possible delay in the invitation for negotiation, supposedly to make more credible a subsequent round of enlargement. We believe all currently qualified states should be invited now to negotiate for accession, and as other states meet the criteria, the process whereby they, too, may be invited to join the alliance should be clearly formulated. This is the only fair way to manage Alliance enlargement and protect important reform efforts underway in those candidate states not included in the first group to be announced at Madrid.

We appreciate your kind attention to our views on this most important matter.

Sincerely,

CHRISTOPHER H. SMITH,
M.C.,
Co-Chairman.
ALFONSE D'AMATO, U.S.S.,
Chairman.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Chairman, I rise in favor of the gentleman's amendment, and admission of Romania into NATO. It is a great country.

I rise in strong support of the amendment that would support the entry of the country of Romania into the NATO alliance in the first move.

Romania has, without question moved towards irresistible democracy, a free market economy, respect for human rights and the rule of law, and are making great strides in their ability to communicate and interoperate militarily with our NATO forces.

Without question they are qualified and should be admitted to NATO at the earliest convenience.

Mr. FOX of Pennsylvania. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GILMAN], the chairman of the committee.

(Mr. GILMAN asked and was given permission to revise and extend his remarks.)

Mr. GILMAN. Mr. Chairman, I rise in support of the amendment. The key message of this amendment, the European Security Act we will be considering, is that the door to membership at NATO should remain open and include Romania.

Mr. BEREUTER. Mr. Chairman, I ask unanimous consent, notwithstanding my failure to oppose, that I may claim the 5 minutes in opposition.

The CHAIRMAN pro tempore (Mr. EWING). Is there objection to the request of the gentleman from Nebraska?

There was no objection.

Mr. BEREUTER. Mr. Chairman, I yield myself such time as I may consume. Mr. Chairman, notwithstanding the fact that I do not oppose, I would say to the gentleman, the gentleman from New York and I, along with nine of our colleagues, recently led a delegation before we went to the North Atlantic Assembly, to Slovenia, and all of us came back I think very much impressed with the tremendous progress they have made in democratization and in their economic reforms and in their ability to pay for modernization to meet the NATO requirements.

We felt, in fact, they were well-qualified to be taken in as a member of NATO in the first round, and we made that recommendation to the Secretary of State, and I know I personally made it to the Secretary of Defense, and I think some of my colleagues have as well.

This matter of Romania is certainly not one that I oppose. I thank the gentleman for his initiative. I just want to make sure that nothing being said here suggests that we have any less respect or support for Slovenia as a first-round entry.

Mr. SOLOMON. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from New York.

Mr. SOLOMON. Mr. Chairman, I appreciate the gentleman yielding.

As the gentleman knows, we were in Slovenia and they have also made great progress toward the irreversible democracy, toward a free-market economy, as has Romania. I just wanted to call to the attention of the Members that Romania in particular is one country that has appreciated the support of the United States of America. In doing so, I want my colleagues to know, on both sides of the aisle, they are buying American. In other words, if they and other countries become a part of NATO, member of NATO, they have to be able to communicate and interoperate militarily with the NATO defense organization, and in doing so, they are buying American military equipment that is terribly important if the taxpayers are going to support the expansion of NATO, that these countries, these prospective countries, turn around and then buy American.

Mr. BEREUTER. Mr. Chairman, reclaiming my time, I am proud to mention that my colleague from New York has emphasized this point, the importance of buying American equipment, because it is interoperable in NATO forces and because it is important to our economy.

So taking nothing away from Romania's case, because military-to-military cooperation with Romania and the United States could not be better, and certainly no country has pressed harder for first-round membership than Romania, I did want to make sure that by our action today we say nothing negative about Slovenia's case, and I thank the gentleman for his initiative.

Mr. FOX of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. BEREUTER. I yield to the gentleman from Pennsylvania.

Mr. FOX of Pennsylvania. Mr. Chairman, I would agree with the gentleman from Nebraska [Mr. BEREUTER] that this in no way diminishes our support for Slovenia, and we appreciate the gentleman's support as well for Romania, and the support of the gentleman from New York [Mr. GILMAN], our chairman.

Mr. BEREUTER. Mr. Chairman, I yield back the balance of my time.

Mr. LEVIN. Mr. Chairman, I rise in strong support of the Fox amendment regarding to Ukraine and adopted by the House.

Since its independence in 1991, Ukraine has made some significant progress in advancing both democracy and stability in the region. It has held free and fair elections without violence for both Parliament and the President, adopted a new democratic constitution, and made significant strides toward reorganizing its economy from command-and-control to market-driven.

Under the reform plan and the leadership of President Kuchma, Ukraine has tackled its runaway inflation, which has dropped from an overwhelming level of 10,000 percent in 1993 to 181 percent in 1995 to 3.5 percent for the first quarter of this year. In addition, privatization efforts have begun to move at an accelerated rate.

Ukraine has also made significant contributions to the future peace and stability of Eastern and Central Europe. First and foremost, Ukraine lived up to its agreement to completely dismantle its entire nuclear arsenal which it inherited from the former Soviet Union and has signed the Nuclear Non-Proliferation Treaty. Ukraine is also in full compliance with the Conventional Forces in Europe Agreement, is an active participant in NATO's Partnership for Peace Program, and has given its full support for the soon to be announced expansion of the NATO alliance. Ukraine has also agreed not to participate in any program to help build a nuclear powerplant in Iran.

These achievements deserve acknowledgment and appreciation from this body. Instead of facing a potentially hostile and nuclear armed country situated on the edge of Europe, the United States benefits from cooperative arrangement with an emerging democracy.

There remain, of course, serious challenges and problems. I am disturbed by press reports in recent months of widespread government corruption and informal barriers to U.S. investment. These are allegations that warrant careful and deliberate consideration.

The answer to these concerns is not to sever relations and threaten to cut off aid as some have proposed. Such proposals run counter to our national and strategic interests in this region and would leave us without leverage to encourage change with Ukraine.

Ukraine is beginning to take some steps to solve these problems. We must encourage this process. President Kuchma has formed an international advisory committee on investment made up of Ukrainians of unquestioned reputation and corporate leaders from around the world. He has established a commission that will work directly out of his office to investigate and prosecute reported corruption. In addition, President Kuchma has removed several Ministers for questionable actions while putting others on notice that he will not accept this behavior.

President Clinton and the administration have indicated their concern over the issue of corruption and clearly communicated that progress needs to be swift. These concerns are clearly laid out in a joint statement from the United States-Ukraine Binational Commission.

Mr. Chairman, with the facts in mind, I urge my colleagues to vote "yes" on the Fox amendment and commend Ukraine for its contributions to Europe. As President Clinton said at the close of the first session of the United States-Ukraine Binational Commission,

The United States values its partnership with Ukraine and believes that we cannot have a successful, undivided, democratic Europe, without a successful, democratic, progressive Ukraine.

The CHAIRMAN pro tempore. All time has expired.

The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The amendment was agreed to.

Mr. BERMAN. Mr. Chairman, my amendment authorizes U.S. citizen employees to adjudicate nationality abroad and to adjudicate immigrant and nonimmigrant visas. The amendment requires that these U.S. citizen employees: First, successfully complete a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive; and second, be certified by an appropriate State Department official to be qualified to perform consular functions.

I am concerned that the amendment may be interpreted to allow students, interns, part-time employees, or short-term contract employees to handle the important function of adjudicating nationality and immigrant and nonimmigrant visas. Because of the steady increase in visa and document fraud, the security of these functions requires that they be performed by a specialized corps of professional, full-time, experienced U.S. citizen employees.

Due to security and fraud issues, the amendment should not be interpreted to mean that students, interns, part-time employees, or short-term employees—with the exception of retired Foreign Service Officers returning to perform consular services or the spouses of Foreign Service Officers being hired to perform consular services—may adjudicate nationality, immigrant, and nonimmigrant visa, and other consular functions. It is my understanding that Mr. SMITH of Texas agrees with this statement.

Mr. LEVIN. Mr. Chairman, I rise in support of the Engel amendment on Albania. Albania suffered greatly under the misguided rule of its previous Government and needs international support to get back on the path to democracy.

Albania endured many harsh years of totalitarian rule and isolation. It was the last country in Eastern Europe to throw off the yoke of communism and open its borders to the world. It still struggles today.

Albania is the poorest nation in Europe. Matters worsened when high-risk pyramid investment schemes collapsed, robbing tens of thousands of Albanians of their life savings. The result has been mass chaos and anarchy. The Government fell and demonstrations and unrest turned to open rebellion.

Today, the rebellion has been quieted by an international peacekeeping force deployed by the United Nations. A coalition government that includes elements from both the former government and its opposition has been formed to get the country back on track. This new government has promised to hold elections for President and Parliament at the end of this month.

The international community, spearheaded by the Red Cross, has committed humanitarian aid to help Albanians get back on their feet and get on with their lives.

The Engel amendment directs the United States to encourage and support the new

unity government and urge it to guarantee human rights and free and fair elections. In addition, the amendment commends the U.S. military and diplomatic personnel who evacuated U.S. citizens from the country during violent uproar. Finally, the amendment commends our negotiators.

Mr. Speaker, I support the Engel amendment because restoring stability to Albania is vital to our national interests in this region. We cannot allow chaos and unrest to overtake Albania again because it would have a devastating effect on the already delicate situation in this turbulent corner of the world.

Mr. GILMAN. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. PEASE), having assumed the chair, Mr. EWING, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 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, had come to no resolution thereon.

LIMITATION ON FURTHER AMENDMENTS TO H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that during further consideration of H.R. 1757 in the Committee of the Whole, pursuant to House Resolution 159, no further amendments to the bill shall be in order except:

First, amendments en bloc offered by the Chairman of the Committee on International Relations pursuant to the order of the House of June 5, 1997; and, second, the following amendment which shall be debatable under the 5-minute rule: Amendment by the gentleman from South Carolina [Mr. SANFORD] regarding authorization levels.

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

Mr. HAMILTON. Mr. Speaker, reserving the right to object, I do not intend to object, but let me just ask a question or two for clarification.

There will be under this unanimous consent request only two amendments permitted?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. HAMILTON. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, that is correct.

Mr. HAMILTON. Mr. Speaker, one of those amendments would be the en bloc offered by the gentleman as the chairman of the committee, and that is pursuant to the order of the House of June 5, 1997. That means that would be done with the concurrence of the ranking minority member?

Mr. GILMAN. Mr. Speaker, that is correct.

Mr. HAMILTON. And then the second amendment that would be permitted under the 5-minute rule without restriction on time would be the amendment of the gentleman from South Carolina [Mr. SANFORD] with respect to authorization levels?

Mr. GILMAN. Mr. Speaker, that is correct.

Mr. HAMILTON. And no other amendments will be offered?

Mr. GILMAN. And no other amendments, and we hope to be finished early tomorrow morning.

Mr. HAMILTON. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 5, rule I, the Chair will now put the question on the motion to suspend the rules on which further proceedings were postponed earlier today.

RELATING TO THE 30TH ANNIVERSARY OF THE REUNIFICATION OF THE CITY OF JERUSALEM

The SPEAKER pro tempore. The pending business is the question of suspending the rules and agreeing to the concurrent resolution, H. Con. Res. 60.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York [Mr. GILMAN] that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 60, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 406, nays 17, answered "present" 1, not 10, as follows:

[Roll No. 176]

YEAS—406

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Forbes
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Klug
Knollenberg
Kolbe
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Mink
Moakley
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Norwood
Nussle
Oberstar
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
Payne
Pease
Peterson (MN)
Peterson (PA)
Pickering
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow

Stark	Thune	Waxman
Stearns	Thurman	Weldon (FL)
Stenholm	Tiahrt	Weldon (PA)
Stokes	Tierney	Weller
Strickland	Torres	Wexler
Stump	Towns	Weygand
Stupak	Turner	White
Talent	Upton	Whitfield
Tanner	Velázquez	Wicker
Tauscher	Vento	Wise
Tauzin	Visclosky	Wolf
Taylor (MS)	Walsh	Woolsey
Taylor (NC)	Wamp	Wynn
Thomas	Waters	Yates
Thompson	Watkins	Young (AK)
Thornberry	Watts (OK)	Young (FL)

NAYS—17

Bonior	Kucinich	Petri
Clayton	McDermott	Rahall
Conyers	Minge	Sununu
Dellums	Moran (VA)	Traficant
Dingell	Obey	Watt (NC)
Hamilton	Paul	

ANSWERED "PRESENT"—1

Bateman

NOT VOTING—10

Blumenauer	Molinari	Schiff
Farr	Northup	Schumer
Flake	Pelosi	
Livingston	Pickett	

□ 1900

Mr. WATT of North Carolina and Mr. MINGE changed their vote from "yea" to "nay."

Mr. DICKEY and Mr. CONDIT changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

Mrs. NORTHUP. Mr. Speaker, on rollcall No. 176, my pager malfunctioned and therefore did not alert me of the pending vote. Had I been present, I would have voted "yes."

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 54, PROHIBITING THE PHYSICAL DESECRATION OF THE FLAG OF THE UNITED STATES

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–126) on the resolution (H. Res. 163) providing for consideration of the joint resolution (H. J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 437, NATIONAL SEA GRANT COLLEGE PROGRAM REAUTHORIZATION ACT OF 1997

Mr. GOSS, from the Committee on Rules, submitted a privileged resolution (Rept. No. 105–127) on the resolution (H. Res. 164) providing for consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes, which was referred to the House Calendar and ordered to be printed.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore (Mr. PEASE) laid before the House the following communication from the Clerk of the House of Representatives:

U.S. HOUSE OF REPRESENTATIVES,
OFFICE OF THE CLERK,
Washington, DC, June 9, 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 June 9, 1997 at 2:34 p.m. and said to contain a message from the President whereby he returns without his approval, H.R. 1469, the "1997 Emergency Supplemental Appropriations Act."

With warm regards,
ROBIN H. CARLE,
Clerk, U.S. House of Representatives.

1997 EMERGENCY SUPPLEMENTAL APPROPRIATIONS ACT FOR RECOVERY FROM NATURAL DISASTERS, AND FOR OVERSEAS PEACEKEEPING EFFORTS, INCLUDING THOSE IN BOSNIA—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–96)

The SPEAKER pro tempore laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.R. 1469, the "Supplemental Appropriations and Rescissions Act, FY 1997." The congressional majority—despite the obvious and urgent need to speed critical relief to people in the Dakotas, Minnesota, California, and 29 other States ravaged by flooding and other natural disasters—has chosen to weigh down this legislation with a series of unacceptable provisions that it knows will draw my veto. The time has come to stop playing politics with the lives of Americans in need and to send me a clean, unencumbered disaster relief bill that I can and will sign the moment it reaches my desk.

On March 19, 1997, I sent the Congress a request for emergency disaster assistance and urged the Congress to approve it promptly. Both the House and Senate Appropriations Committees acted expeditiously to approve the legislation. The core of this bill, appropriately, provides $5.8 billion of much-needed help to people in hard-hit States and, in addition, contains $1.8 billion for the Department of Defense related to our peacekeeping efforts in Bosnia and Southwest Asia. Regrettably, the Republican leadership chose to include contentious issues totally unrelated to disaster assistance, needlessly delaying essential relief.

The bill contains a provision that would create an automatic continuing resolution for all of fiscal year 1998. While the goal of ensuring that the Government does not shut down again is a worthy one, this provision is ill-advised. The issue here is not about shutting down the Government. Last month, I reached agreement with the Bipartisan Leadership of Congress on a plan to balance the budget by 2002. That agreement is the right way to finish the job of putting our fiscal house in order, consistent with our values and principles. Putting the Government's finances on automatic pilot is not.

The backbone of the Bipartisan Budget Agreement is the plan to balance the budget while providing funds for critical investments in education, the environment, and other priorities. The automatic continuing resolution would provide resources for fiscal year 1998 that are $18 billion below the level contained in the Bipartisan Budget Agreement, threatening such investments in our future. For example: college aid would be reduced by $1.7 billion, eliminating nearly 375,000 students from the Pell Grant program; the number of women, infants, and children receiving food and other services through WIC would be cut by an average of 500,000 per month; up to 56,000 fewer children would participate in Head Start; the number of border patrol and FBI agents would be reduced, as would the number of air traffic controllers; and our goal of cleaning up 900 Superfund sites by the year 2000 could not be accomplished.

The bill also contains a provision that would permanently prohibit the Department of Commerce from using statistical sampling techniques in the 2000 decennial census for the purpose of apportioning Representatives in Congress among the States. Without sampling, the cost of the decennial census will increase as its accuracy, especially with regard to minorities and groups that are traditionally undercounted, decreases substantially. The National Academy of Sciences and other experts have recommended the use of statistical sampling for the 2000 decennial census.

The Department of Justice, under the Carter and Bush Administrations and during my Administration, has issued three opinions regarding the constitutionality and legality of sampling in the decennial census. All three opinions concluded that the Constitution and relevant statutes permit the use of sampling in the decennial census. Federal courts that have addressed the

issue have held that the Constitution and Federal statutes allow sampling.

The enrolled bill contains an objectionable provision that would promote the conversion of certain claimed rights-of-way into paved highways across sensitive national parks, public lands, and military installations. Under the provision, a 13-member commission would study the issue and provide recommendations to resolve outstanding Revised Statute (R.S.) 2477 claims. R.S. 2477 was enacted in 1866 to grant rights-of-way for the construction of highways over public lands not already reserved for public uses. It was repealed in 1976, subject to "valid, existing rights."

This provision in the enrolled bill is objectionable because it is cumbersome, flawed, and duplicates the extensive public hearings conducted by the Department of the Interior over the last 4 years. In addition, the proposed commission excludes the Secretary of Defense, but military installations are among the Federal properties that would be affected by the recommendations of the commission. Furthermore, there is no assurance that the proposed commission would provide a balanced representation of views or proper public participation. Under the provision, the Secretary of the Interior can disapprove the commission's recommendations, preventing their submission to the Congress under "fast-track" procedures in the House and Senate. I believe—and my Administration has stated—that a better approach would be for Interior to submit a legislative proposal to the Congress within 180 days to clarify R.S. 2477 claim issues permanently, with full congressional and public consideration.

The enrolled bill contains an objectionable provision that funds the Commission for the Advancement of Federal Law Enforcement. I agree with the Fraternal Order of Police and other national law enforcement organizations that certain activities of the Commission, such as evaluating the handling of specific investigative cases, could interfere with Federal law enforcement policy and operations. This type of oversight is most properly the role of Congress, not an unelected review board. If external views about law enforcement programs are needed, a better approach would be to fund the National Commission to Support Law Enforcement.

I also object to two other items in the bill. One reduces funding for the Ounce of Prevention Council by roughly one-third. This reduction would substantially diminish the work of the Council in coordinating crime prevention efforts at the Federal level and assisting community efforts to make their neighborhoods safer. The Council is in the process of awarding $1.8 million for grants to prevent youth substance abuse and of evaluating its existing grant programs. The Council has received over 300 applications from communities and community-based organizations from all across the country for these grants. In addition, the bill reduces funding for the Department of Defense Dual-Use Applications Program. That program helps to develop technologies used and tested by the cost-conscious commercial sector and to incorporate them into military systems. Reducing funding for this program would result in higher costs for future defense systems. The projects selected in this year's competition will save the Department of Defense an estimated $3 billion.

Finally, by including extraneous issues in this bill, the Republican leadership has also delayed necessary funding for maintaining military readiness. The Secretary of Defense has written the Congress detailing the potential disruption of military training.

I urge the Congress to remove these extraneous provisions and to send me a straightforward disaster relief bill that I can sign promptly, so that we can help hard-hit American families and businesses as they struggle to rebuild. Americans in need should not have to endure further delay.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1997.*

The SPEAKER pro tempore. The objections of the President will be spread at large upon the Journal, and the message and bill will be printed as a House document.

MOTION OFFERED BY MR. MCDADE

Mr. MCDADE. Mr. Speaker, I move that the message together with the accompanying bill be referred to the Committee on Appropriations.

The SPEAKER pro tempore. The gentleman from Pennsylvania [Mr. MCDADE] is recognized for 1 hour.

Mr. MCDADE. Mr. Speaker, by prior agreement with my distinguished friend, the gentleman from Wisconsin [Mr. OBEY], I yield 15 minutes to the gentleman from Wisconsin [Mr. OBEY], and I yield back 30 minutes of the 1 hour.

GENERAL LEAVE

Mr. MCDADE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message of the President to the bill, H.R. 1469, and that I may include tabular material and extraneous material.

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

There was no objection.

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

The effort that we knowledge making tonight is an effort to speed to the disaster victims of the country as quickly as we can the assistance which they so direly need. All of us know that there has been a stalemate between the two bodies, between the White House and between the Congress, and this motion which refers this bill back to committee is the beginning of the process, once again, to pass this bill, hopefully in a way that the President will sign it.

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

Mr. OBEY. Mr. Speaker, I yield myself 3 minutes and 30 seconds.

Mr. Speaker, 90 days ago the President sent the Congress an emergency message asking that we appropriate supplemental funds to help flood victims and to help meet the costs of our activities in Bosnia. Last week, instead of responding to that request, the Congress in essence decided to load up that proposal with a series of unrelated riders. One related to roads on public lands, another related to census sampling, and a third created a change in budget rules which would allow Congress to pass appropriations which it prefers but bottle up the passage of the President's budget priorities. That is not the way to establish a bipartisan relationship with the other branch of government.

The President vetoed that proposal. He told us ahead of time he would.

□ 1915

And he has told the Congress to do it right. He said, in essence, do not try to gain political leverage by using the distress of innocent Americans.

Now, I do not hesitate to speak out publicly when I think the President is wrong. I think people on this floor understand that. But the fact is the President is not wrong in this instance. He is absolutely correct.

He recognizes that farmers need this money to get on with their planting. He recognizes that they need it to replace livestock that were killed in the floods. He recognizes that local communities need the community development money in order to plan for their communities' futures. And he recognizes that the Joint Chiefs of Staff have indicated that they will have to stand down in terms of a number of important training exercises and other military activities unless Congress quits fiddling and sends the President the package that he has asked for.

So, very simply, what will happen here tonight is this. At the end of this discussion, when the motion comes to refer this matter to committee, I will ask Members to vote no on the previous question so that, in the event the previous question fails, we can immediately ask unanimous consent to bring up H.R. 1796, which would have the effect of stripping from this proposal the three riders that caused the President to veto the bill and sending a clean bill back to the White House.

It would contain every other provision that was fashioned by the majority in this House except those three political riders. That is all our motion would seek to do.

What we are asking people to do is to recognize that for the people in the affected areas, who we are trying to help with this supplemental, for them, refusal of the Congress to provide needed assistance in a timely fashion is nothing but a second government shutdown. That is what it represents in those areas.

So I ask my colleagues to end that second government shutdown for those purposes by voting no on this proposal to send it to the committee tonight and get on with doing this week what we should have done last week, which is to pass a clean supplemental appropriation.

Mr. McDADE. Mr. Speaker, I yield 2½ minutes to the gentleman from South Dakota [Mr. THUNE].

Mr. THUNE. Mr. Speaker, I thank the gentleman from Pennsylvania for yielding me this time, and I say to my colleagues on the floor this evening, "I told you so," because I have been suggesting to Members on both sides for some time now that this is where ultimately we would end up.

We have a bill that has been under consideration for several weeks, and the people in this country, one thing they are not missing is that what is delaying consideration of this bill, what is delaying disaster relief, is politics. I am not sure that everybody understands exactly all the intricacies of the continuing resolution or of the census and what is trying to be accomplished there, but one thing they do know is that this institution, Washington, DC, is playing politics with disaster assistance.

When I was out there this week, and I guess I would urge my other colleagues, because many of them have not seen what I have seen, but when they have looked at the mud-filled basements and seen the disastrous effects the floods and the blizzards have had on the cattle and the livestock industry of my State and the people who are waiting for assistance, when we have said in Washington help is on the way, and we have made a commitment that we are going to deliver, and yet we have failed to do it, what I heard repeatedly this last week was, "Can you in Washington not get it right? You do not seem to get it."

These people want the Republicans and the Democrats and the White House and the Congress to work together in a way that will get a consensus so that we can get this process on the way.

I was on Highway 281, Federal Highway 281 this last week, north of Tulare, SD, just south of Redfield, and there was a gentleman sitting on the center line of Highway 281 fishing for northerns. Highway 281 is completely under water, and with it is the railroad that transports the grain commodities on which our State depends for its economic survival.

We have railroad assistance in this bill. We have several things that are going to be important for agriculture to recover. So I urge this body and our colleagues in the Senate and the White House to get together and to work something out to get this job done.

I believe the message has been sent. Whatever that message was, and it still eludes me, but the fact of the matter is people are waiting, patience is wearing thin, and temperatures are on the rise all over the country. And I am glad to say not just in South Dakota, I think people elsewhere around the country are getting the message we need to do something. Congress needs to act, the White House needs to act, Republicans and Democrats need to develop a consensus in order to get this done. I hope we will get that process underway tonight.

Mr. OBEY. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. FAZIO].

Mr. FAZIO of California. Mr. Speaker, we have had an opportunity for 83 days, since the administration sent an urgent disaster relief package to Congress, to work out the details and send it on for Presidential signature so we could really address the overwhelming needs of people in 35 different States around the country, some of whom, as in the upper Midwest, continue to suffer as we speak.

We have played around, we have squabbled over details that, frankly, did not even need to be included in this bill, and we have allowed a number of extraneous matters to become an impediment to getting it signed into law. It is time we bring an end to this charade. The public expects us to deliver on fundamental promises we make people, and that is if we have people suffering in this country, we will all get together to help them address it.

The President has indicated that there are two particular amendments he cannot live with. At the moment, it seems we are dead set on sending them right back to him, prolonging the gridlock, bringing down additional disrespect on this institution. We have an opportunity in a few minutes to offer our support for a clean bill that can be signed within several days that will let us restore public trust in this institution and get about the business of doing what we were elected to do, and that is deal with basic problems.

My district suffered in January. We are concerned that we will not be able to prevent another disaster next winter in northern California because we do not have the funds to go about improving our levee system, bringing it back to a level of protection we thought we had last January. It is unconscionable that we continue to argue about the census or about some automatic mechanism by which we could pass all appropriations bills when we all know what we have to do is stick to the business of appropriating funds for disaster relief.

Mr. Speaker, I hope we will act tonight to support this motion which will be made that will give us an opportunity to pass a clean disaster relief bill.

Mr. OBEY. Mr. Speaker, I yield 3½ minutes to the distinguished gentleman from North Dakota [Mr. POMEROY].

Mr. POMEROY. Mr. Speaker, I believe that each and every one of us is here as a Member of the House of Representatives because the bottom line is we care about people. We believe differently as to how we best help people, but we are here to help people. Let us remember that this bill is about helping people.

Six and a half weeks ago the levees broke on the Red River, inundating Grand Forks and East Grand Forks. This is a photograph that appeared in the newspaper, of a woman being told in the dead of night that she has to get out of her home, leave all her possessions, because the water is about to take everything she knows and holds dear.

The trauma of such an event in such a middle America place like Grand Forks, ND, is beyond my ability to describe to my colleagues, but I was there and, believe me, it was God awful. Now the people are being traumatized by another occurrence, this one not a natural disaster but a Congress-made one.

We need help. It is very clear. It is very clear to any American that has watched the news footage about what we have gone through just how badly we need help. People from around the country have responded in wonderful ways, small ways, like the 7-year-old that dropped off some canned goods so I could send them back to the people I represent; and, large ways, like the woman who gave $15 million in individual grants of assistance.

But they expect fundamentally their government to respond, and we have been unable to respond, unable to respond because we have played to our worst instincts in this body, putting shallow, crass partisan politics in the middle of an effort to get help to people who need it.

This clipping says it all. It says what so many are saying to me as I go back to Grand Forks every weekend: "You are playing with our lives."

My colleagues have to understand that there are people that are not in homes tonight, there are families that are not together, and they cannot make a fundamental decision about even where they are going to live until we pass this bill.

FEMA does not fund the initial buyout program that Grand Forks is going to launch. That is funded by the community development block grant funds in this bill. There is not money in the

pipeline to help these people on these home buy-out decisions. We have to pass the bill first. And so until we pass the bill, these people are stuck. They are in limbo.

Again and again and again, when one goes back to our districts, we hear about how we are in limbo. I would invite any Member of this body to come with me to Grand Forks. If my colleagues do not believe it, come with me to Grand Forks. We will go tomorrow. If Members do not want to miss votes to do that, we will get on the phone. Come with me to my office. We will call Democrats in Grand Forks, we will call Republicans in Grand Forks, we will call anyone my colleagues want to in Grand Forks to hear from the people themselves.

Sometimes maybe in our partisan warfare we forget what this is all about, but it is about helping people. And the people in our area are in a state of tremendous need tonight. Do not play with the lives of those we represent. These are Americans, they need our help. This is our Government, they deserve no less.

Let us act now and, for that reason, take precisely the action the gentleman from Wisconsin is suggesting. Do not go to committee. We have had enough of committees. Let us, as a body tonight, strip off the extra provisions and get the aid out of the House.

Mr. MCDADE. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. GEKAS].

Mr. GEKAS. Mr. Speaker, I thank the gentleman for yielding me this time. Had the President signed this bill, the aid which the gentleman who just appeared in the well wanted to see flow back to his region would have started. We would have had 3 days of moneys out of this bill flowing already into the distressed areas.

So who is playing with whose lives? Could not the President have signed that and understood that to prevent the Government shutdown is another good measure that would have been swept into the mix of providing this relief for the distress of the Middle West?

I have been trying, and everybody knows it, for 10 years now to produce an automatic methodology by which we could prevent Government shutdowns. It has nothing to do with politics. It has nothing to do with trying to get the President to succumb to some political pressure, because I did it when President Bush was President. I did it when President Reagan was President. I did it with a Democrat controlled Congress and a Republican President, and now the reverse, a Republican Congress and a Democrat President.

It merely says that, if we fail as a Congress, which we have done 50-some times in the last 10 years, to come to an agreement on a budget within the budget deadline, that automatically, the next day, last year's appropriations would go into being until the full budget can be completed.

The President in his veto message says, "While the goal of preventing a Government shutdown is a worthy one". That is his language, "is a worthy one"; he proceeds to veto a vehicle that would provide for a method to prevent Government shutdown.

□ 1950

That is politics. That is game playing. He says, on the one hand, it is bad to shut the Government down. Then when the Government was shut down, he blamed the Republicans. Now the Republicans fashion a bill that would prevent the Government shutdown, and he vetoes it, saying we want to see the possibility of a shutdown occur again. That is politics.

Mr. OBEY. Mr. Speaker, I yield myself 1¼ minutes.

Mr. Speaker, that is precisely the same line of argument we heard from the majority party last year when they announced ahead of time that they were going to shut down the Government in order to leverage the President to swallow things that he did not feel he ought to swallow. And then after he stood up for principle, then they said, see, you caused the problem, you caused the problem, after they told the country for 3 months ahead of time they were going to shut the Government down.

What my colleagues have to recognize on that side of the aisle is that for the people in the areas affected by these floods, their refusal to let this legislation go to the White House in shape that can be signed is tantamount to a second Government shutdown. Now it is time that they put their own subjective judgments second to the needs of the people in the affected areas and deliver the aid that they have a right to expect.

Government is either going to be on their side or it is going to be against them. In this case, unless we let this legislation go, they have a perfect right to conclude that Government is against them, and that is not where it ought to be tonight.

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

Mr. OBEY. Mr. Speaker, I yield 3 minutes to the distinguished minority whip, the gentleman from Michigan [Mr. BONIOR].

Mr. BONIOR. The gentleman from Wisconsin [Mr. OBEY] is absolutely right, Mr. Speaker. For millions of people across this country, this amounts to another Government shutdown. It amounts to the Government turning their back on them, not being there for them when they need the help.

Week after week, we have urged our Republican colleagues to pass a disaster relief bill that would rush help to families struggling to recover from the worst floods to hit the northern plains in 500 years. Disaster relief, emergency relief, nothing more, nothing less, disaster relief; this is help that people desperately need. As the gentlemen from South Dakota and North Dakota so eloquently said this evening, they need to rebuild their homes, to reopen their businesses, to replant their fields, to resuscitate their economy.

And what did my Republican colleagues do? Ignoring President Clinton's promised veto, they loaded up the disaster bill with extraneous provisions, provisions that had nothing whatsoever to do with flood relief, provisions aimed at undermining the accuracy of the U.S. census in the year 2000.

People need help now. We are arguing about a problem in the year 2000. It took the President all of 19 minutes to veto the bill. Now we are back where we were 2 weeks ago. Meanwhile, flood victims are still waiting. They have waited for 83 days. They waited while Congress went on vacation. They waited all weekend. And they are still waiting. They are waiting for some sign of hope. They are waiting without their homes, in trailers. They are waiting without jobs. They are waiting without the ability to work in their fields. They are waiting without their businesses.

I stand ready with my Democratic colleagues to pass a disaster relief bill that just does that, it provides disaster relief to working people who are struggling to get on with their lives and provide it today, now, in a few minutes. Disaster relief. Nothing more. Nothing less. No census formulas. No Government shutdown clauses. Disaster relief.

It is not complicated. It should not be controversial. Enough is enough. The flood victims have run out of patience. Let us vote on disaster relief and do it now. Nothing more. Nothing less. Stay with the proposal that the gentleman from Wisconsin [Mr. OBEY] will be offering on the previous question to vote it down to bring a clean bill to the floor. Stay with the gentleman from South Dakota [Mr. THUNE], who got up here and gave an eloquent statement about the misery of the people that he represents. Stay with your colleague, who wants a clean bill. My colleagues would want no less if they were in his shoes.

Mr. MCDADE. Mr. Speaker, I yield myself such time as I may consume. I shall speak for just a few seconds, Mr. Speaker.

The one way to begin to bring relief tonight to the people who are affected in this disaster is to vote to send this back to committee so the process can be rejuvenated and worked out. If my colleagues vote for the previous question, Mr. Speaker, it creates chaos in this body. I urge my colleagues to assist the people in our country who are crying out for relief in the disaster by voting to send this bill to committee.

Mr. MCDADE. 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 to refer.

The SPEAKER pro tempore (Mr. PEASE). The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to the provisions of clause 5 of rule XV, the Chair will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the question of the motion to refer.

The vote was taken by electronic device, and there were—yeas 216, nays 205, not voting 13, as follows:

[Roll No. 177]

YEAS—216

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bereuter
Bilbray
Bilirakis
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
English
Ensign
Everett
Ewing
Foley
Forbes
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Taylor (NC)
Thomas
Thornberry
Tiahrt
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NAYS—205

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Emerson
Engel
Eshoo
Etheridge
Evans
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—13

Barcia
Becerra
Boucher
Farr
Fattah
Fawell
Flake
Metcalf
Molinari
Packard
Schiff
Schumer
Tauzin

□ 1956

Messrs. MARTINEZ, HALL of Texas, and McDERMOTT changed their vote from "yea" to "nay."

Mr. BILBRAY changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore [Mr. PEASE]. The question is on the motion offered by the gentleman from Pennsylvania [Mr. McDADE].

The motion was agreed to.

A motion to reconsider was laid on the table.

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,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 9, 1997.

Hon. NEWT GINGRICH,
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 June 9, 1997 at 2:34 p.m. and said to contain a message from the President whereby he transmits proposed legislation entitled the "Cloning Prohibition Act of 1997."

With warm regards,

ROBIN H. CARLE,
Clerk, House of Representatives.

CLONING PROHIBITION ACT OF 1997—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 105–97)

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 Commerce and ordered to be printed:

To the Congress of the United States:

I am pleased to transmit today for immediate consideration and prompt enactment the "Cloning Prohibition Act of 1997." This legislative proposal would prohibit any attempt to create a human being using somatic cell nuclear transfer technology, the method that was used to create Dolly the sheep. This proposal will also provide for further review of the ethical and scientific issues associated with the use of somatic cell nuclear transfer in human beings.

Following the February report that a sheep had been successfully cloned using a new technique, I requested my National Bioethics Advisory Commission to examine the ethical and legal implications of applying the same cloning technology to human beings.

The Commission concluded that at this time "it is morally unacceptable for anyone in the public or private sector, whether in a research or clinical setting, to attempt to create a child using somatic cell nuclear transfer cloning" and recommended that Federal legislation be enacted to prohibit such activities. I agree with the Commission's conclusion and am transmitting this legislative proposal to implement its recommendation.

Various forms of cloning technology have been used for decades resulting in important biomedical and agricultural advances. Genes, cells, tissues, and even whole plants and animals have been cloned to develop new therapies for treating such disorders as cancer, diabetes,, and cystic fibrosis. Cloning technology also holds promise for producing replacement skin, cartilage, or bone tissue for burn or accident victims, and nerve tissue to treat spinal cord injury. Therefore, nothing in the "Cloning Prohibition Act of 1997" restricts activities in other areas of biomedical and agricultural research that involve: (1) the use of somatic cell nuclear transfer or other cloning technologies to clone molecules, DNA, cells, and tissues; or (2) the use of somatic cell nuclear transfer techniques to create animals.

The Commission recommended that such legislation provide for further review of the state or somatic cell nuclear transfer technology and the ethical and social issues attendant to its potential use to create human beings. My legislative proposal would implement this recommendation and assign responsibility for the review, to be completed in the fifth year after passage of the legislation, to the National Bioethics Advisory Commission.

I urge the Congress to give this legislation prompt and favorable consideration.

WILLIAM J. CLINTON.

THE WHITE HOUSE, *June 9, 1997.*

□ 2000

NO WAY TO RUN A CONGRESS

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

Ms. DELAURO. Mr. Speaker, it has now been 83 days since the President first asked this Congress for disaster relief legislation. Flood-stricken families in the Midwest are desperately waiting for these funds. Yet the majority has loaded up this bill with provisions the President has said that he cannot accept in an effort to embarrass him.

Let me quote from today's Wall Street Journal that says Speaker NEWT GINGRICH has privately indicated that he never expected the President to sign the bill sent to him. Let me also mention what Republicans are privately conceding, that this is more of a rhetorical attempt to embarrass Mr. Clinton, put themselves in a better light after helping to provoke shutdowns in the last Congress.

Mr. Speaker, we are talking about people's lives. There are literally tens of thousands of people unable to make basic decisions about their lives until this bill is enacted. Yet the majority refuses to send a bill without these provisions to the President. This simply is no way to run a Congress.

Mr. Speaker, providing Federal assistance to the victims in times of crisis is one of the fundamental roles of the United States Congress, yet my Republican colleagues would abdicate this basic responsibility in order to score political points.

I implore the majority to stop playing politics with people's lives. Send the President a clean disaster bill today.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. PEASE). 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.

WE SHOULD NOT SACRIFICE FREEDOM OF EXPRESSION WITH A FLAG AMENDMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas [Mr. PAUL] is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, in 2 days we are going to be debating an amendment to the Constitution dealing with the flag. The proposed flag amendment to the Constitution deals with more than just the issue of freedom of speech. It involves the right of free expression and the right to own property. These two are inseparable. A free society cannot have one without the other; and when one is compromised, so is the other.

When property rights are correctly honored, free expression is guaranteed through that right. The independence of a newspaper, radio station or a church guarantees the use of that property in any free expression desired. No one has the right to use any newspaper, radio or church to exert his or her own opinion as an example of free speech. Catholics have no right to say Mass in a Jewish temple. Certainly in our homes we are protected from others imposing their free speech on us. It is the church property that guarantees freedom of religion. The networks or papers need not submit to demands to be heard by religious believers as an example of free speech. Use of the radio or newspaper by those with strong opinions or religious views is only done voluntarily with the permission of the owner.

Yes, it is very important who owns the flag and where it was desecrated. What if it is in a home or in a church for some weird reason? Do the police invade the premises? Who gets sent in? The BATF, the DEA, the FBI, the U.S. Army or the U.S. flag police? If it is on government property or a government flag or someone else's flag, that is an attack on property that can and should be prosecuted. By legislating against how someone else's flag is being used, the right of free expression and property ownership is infringed just as if it were church property or a newspaper.

We work diligently to protect controversial expression in books, television and movies and even bizarre religious activities through the concept of private property ownership as long as violence is not used. Is this matter any different?

We live in an age where it is becoming more common to attack free expression, and that is a danger we should not ignore. We find one political group attacking expression that violates the subjective rules of politically correctness while working to prohibit voluntary prayer. Now another wants to curtail expression through flag anti-desecration laws in the name of patriotism. But there is a better way to handle demonstrations and malcontents.

The danger here is that flag burners frequently express a disdain for big government. Curtailing any expression of criticism of the government is fraught with great danger. Will anyone who opposed big government someday be identified as a friend of the flag burners and treated like one since he is expressing an idea similar to the flag burners? Just because some people are not smart enough to express themselves in any other way than flag burning, it does not justify the careless attack on free expression. Once it is routinely accepted expressing these ideas as dangerous to the status quo, all our freedoms are threatened.

We need to direct our patriotic zeal toward defending the Constitution and to the protection of liberty. Lack of this effort has led to the impending bankruptcy of the warfare state. Now, there is a problem worth directing our attention.

The flag police are no substitute for our policing our own activities and responsibilities here in the Congress. We are endlessly delivering more power in the name of political emergencies, budgetary crises and government efficiency to the Executive, a process not permitted under the Constitution. We permit socialists to attack property rights and the fundamentals of economic liberty as a right under our Constitution. But those who profess respect for private property should not be trapped into attacking flag property when it is used to express unpopular antigovernment views and even change the Bill of Rights to do so.

The socialists know what they are doing, but the anti-desecrators act out of confused emotions while responding to political pressures. We should not further sacrifice freedom of expression with a flag amendment. Especially when compared to the harm done with taxpayers' funding of school programs and NEA desecration, it is negligible. True patriots can surely match the wits of the jerks who burn flags without undermining the first and the fifth amendments.

Mr. Speaker, we can do better than rush to alter constitutionally protected free expression for a nonproblem. We could easily organize bigger and grander demonstrations to celebrate our constitutional liberties for which the flag is our symbol in answer to the flag burners.

I promise to appear any time, any place to celebrate our liberties and countermand the flag burners who work so hard to offend us. We do not need an amendment to the Constitution which for the first time in our history would undermine and curtail the protections of the first amendment.

TRIBUTE TO NEW JERSEY'S 13TH ANNUAL DEAF AND HARD OF HEARING DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. PAPPAS] is recognized for 5 minutes.

Mr. PAPPAS. Mr. Speaker, as I stand here today, almost three-quarters of a million of my fellow New Jersey citizens are unable to hear what I am saying. It is not that they are not listening, but rather they are physically unable to hear. Although closed captioning television is beneficial to some, many citizens are without the service.

I rise today to recognize my State's proclamation of June 14 as the 13th Annual Deaf and Hard of Hearing Day. This day sets out to raise awareness for an issue and a segment of our population that face a silent disability.

The ability to hear is truly a blessing and something that those of us who can hear often take for granted. For just a moment think of all the different sounds that echo through our daily lives: The birds chirping in the early morning, the music in the car, or the elevator, or familiar voices of our friends, family members, and coworkers.

As a society we depend on sounds in so many ways: Vehicle horns when we are driving, fire alarms to alert us to danger, and even here in Congress we listen for the bells to alert us of upcoming votes.

It is difficult to imagine the everyday difficulties that those citizens who are unable to hear face in their efforts to function in a society that uses sounds in so many ways as a means of communication.

Beyond the sounds we hear, the spoken language is our primary means of expressing and receiving our thoughts and ideas. We use telephones to communicate, we listen to the television and radio for our entertainment and information, but the deaf community and hard of hearing community communicates in a much different way. The silent disability that they face forces them to converse through sign language and use TDD and relay services as an alternative method of telephone communication.

As a student of sign language myself, I am well aware of the daily efforts that must be made to express themselves without spoken words. Yet it is a difficult language to learn but highly necessary for survival. I encourage everyone who has the opportunity to learn, to learn sign language.

This Saturday at the Great Adventure Amusement Park in Jackson, NJ, thousands of people from New Jersey's deaf and hard of hearing community will celebrate the 13th Annual Deaf and Hard of Hearing Day. If anyone is interested in seeking out more information on the day's events, they can call either through Voice or TDD, and the telephone number at the Division of the Deaf and Hard of Hearing in New Jersey is 609-984-7281.

I want to congratulate Richard Herring, the Director of the Division of the Deaf and Hard of Hearing of the New Jersey Department of Human Services, for his efforts in making this annual event such a success. His efforts over the years to celebrate, educate, raise awareness, and recognize the achievements made by fellow citizens have truly had a tremendous impact on both the deaf and hearing communities of my State.

BAD MANAGEMENT OF AN EMERGENCY BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts [Mr. OLVER] is recognized for 5 minutes.

Mr. OLVER. Mr. Speaker, today the President, President Clinton, vetoed a bill which he had said very clearly that he was going to veto. Very clearly he had indicated that that veto was coming because of a series of extraneous riders to an otherwise emergency bill. And so we have a situation that I have really in 30 years of legislative life that I have gone through both in Massachusetts, my home State, and here 6 years in the Congress, I think that I have never seen an emergency bill managed more cavalierly, more carelessly by the legislative body and the majority than this one has been managed this year.

It was back in March, the 19th of March, that the President had asked for this legislation totaling about $7.1 billion, part of it to deal with the very serious natural disasters in the Ohio Valley, the flooding in northern California, the Red River Valley, and the Dakotas, and in Minnesota in order to help put back the lives of hundreds of thousands of devastated families, farms and businesses, people whose lives had really been deeply hurt by that and also, by the way, to carry out $1.8 billion that was to provide our peacekeepers in Bosnia, those people, men and women, who wear the American uniform and are doing a dirty and a tough job, but a necessary job, the resources that they need in order to do that.

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There is no reason whatsoever why this bill should not have been passed and signed by the President, a clean emergency bill to deal with these natural disasters and with our peacekeepers' needs in Bosnia, no reason at all why that should not have been passed by the Congress and signed into law by the time we went home for our Memorial Day long weekend, and the 10 days that we, as Members of Congress, spent in our districts.

However, on May 23, we recessed. There was an attempt by the majority to adjourn, but instead, that was denied by a relatively wise majority that day, a majority of the Members, and we instead recessed for those 10 days, leaving those hundreds of thousands of families without having been dealt with fairly for the disasters that they had undergone.

Then it took us the whole next week after we came back until June 5, late last week, when we finally passed the emergency legislation, and even then, the majority did not send it to the President. Even then, they held it over the weekend until the beginning of this week, when they knew that they had added provisions to the legislation that the President had said very clearly change the balances of powers that were extraneous to any emergencies that would force a veto, and so early this week he vetoed the legislation.

Why did the Republican majority follow this kind of strange procedure in this legislation? Well, they had a major environmental rider in the legislation which was to the conversion of certain claimed rights-of-way, conversion of rights-of-way to paved highways across National Parks and Public Lands and military installations. That legislation, that rider by itself, could never have passed this Congress, could never have passed either branch of the Congress, yet it was put into this bill and it was not even an emergency.

Then they had a census rider in there that the President said that he would have to veto which would have removed the procedure for sampling that has been used in each of the last two censuses under a Democratic President, under a Republican President, that procedure for sampling of our population that gives us the most accurate

possible census at the lowest possible cost.

Now, why was that? Well, it turns out that there seemed to be some belief that it was an advantage, it would be an advantage to the Democratic Party. Well, that is not really the case. It is not at all clear who would be advantaged. The only thing happening here was that by adding that rider, we end up with a higher cost census, a less accurate census, and one that is very difficult to get done at all. So that rider was put on.

Then the third and probably the most critical item among the riders was that to impose a distinct power shift in the constitutional powers in dealing with budgets between the Congress and the presidency. For those reasons it was vetoed, and for those reasons the clean bill should be passed by this Congress and sent back to the President so he can sign it.

EUROPEAN SECURITY ACT

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 speak about a very important issue and that is NATO. On April 4, 1949, the United Nations, Canada and 10 European governments signed the North Atlantic Treaty creating NATO. It was established to deter potential Soviet aggression in Europe and provide for the collective self-defense of the alliance.

Since then, NATO has reshaped its military strategy fundamentally in the wake of the Conventional Armed Forces in Europe Treaty, the Strategic Arms Reduction Treaty, and the massive cuts in U.S. short-range nuclear forces towards power projection with more mobile forces and away from an armored positional force in Central Europe.

During the December 1994 NATO summit, the U.S. expressed its interest in expanding NATO in order to, one, strengthen nations that share our U.S. belief in democracy; two, continue the development of free market economies open to U.S. investment and trade; and, three, secure allies willing to share in cooperative efforts on a range of global issues; and finally, four, preserve a Europe free from domination by any single power.

I believe that the enlargement of NATO will enhance stability by providing NATO's security guarantee for candidate states working to construct viable democracies and free market systems, Mr. Speaker. I call for my colleagues tomorrow to support the European Security Act, which will help to expand NATO. H.R. 1758 declares that the door to membership in NATO should remain open to all emerging democracies in Central and Eastern Europe, and expresses the sense of Congress that the Baltic Nations and Romania should not be admitted to NATO, and declares that Congress will not approve international agreements that accord second-class status to any new NATO members.

Finally, Mr. Speaker, the bill declares that the door to NATO membership should not close in the first round of NATO enlargement this summer. Aspiring members who may be left out of the first round must be assured they will be considered for NATO membership in the future. This particular measure provides that Romania, Estonia, Latvia and Lithuania shall each be designated as eligible to receive assistance under the NATO Participation Act of 1994.

So I urge my colleagues to give careful attention to this legislation when it is debated on the floor, because I believe it is of interest not only to Americans, but to all of those who live in the countries that have been designated as those who will be positive for NATO and positive for world peace.

STOP THE BATTLE OF THE BULGE IN THE SUPPLEMENTAL APPROPRIATIONS BILL

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, this evening I would like to talk about the battle of the bulge, or maybe it is a battle with the bulge. That is the emergency supplemental appropriations legislation that the Republicans seem to think will play politics with the lives of thousands and thousands and thousands of citizens in the Dakotas, Minnesota, and California, and 29 other States ravaged by flooding and other natural disasters.

Coming from the State of Texas, we well know the tragedy of natural disasters, whether it is hurricanes or floods or tornadoes. Most States in this Nation have had their share. Therefore, it seems much more than a crisis, but a literal shame that the Republicans have decided to play politics with a simple act, and that is, show them the money and get them the money. That is the call, and that is what we need to be doing in the U.S. Congress.

It is interesting that I stand here on June 10, 1997, for it was on March 19, 1997, that the President sent to this Congress, almost 3 months ago, the need for emergency disaster assistance and urged this Congress to act promptly. There is no hardness or difficulty to this legislative act. It is simply to pass an emergency supplemental appropriations bill that will provide $5.8 billion of much-needed assistance to people hard-hit and hit in the pocketbook, if you will.

In addition, it included $1.8 billion for the Department of Defense in related efforts for our peacekeeping needs in Bosnia and Southwest Asia. But yet, rather than send a clean supplemental appropriations bill, this Congress decided to load it down with ill-advised and unnecessary pieces of legislation.

For example, rather than emphasizing the need of those individuals over and over again by passing this clean supplemental appropriations bill, we would find in this particular legislative package the battle of the bulge. We would find elimination of the ability to use sampling in the census.

Someone might ask, why is that relevant? Why are we even having that in legislation without full discussion and understanding whether that is a positive or a negative? Frankly, that is a good question, because in fact it has been clearly shown that sampling is an accepted method of creating the census. Politics again, allegations that sampling benefits one group over the other, Democrats versus Republicans, and yet the real question is providing the dollars for those who are in need in the Dakotas and Minnesota, California, and 29 other States.

What else is in here? Questions under the Department of Justice, issues dealing with the environment. One would wonder why that was in there, and other matters that are extraneous to the actual needs of these citizens.

I would simply say that time is now overdue for clearly responding to the President's veto. He is serious. But more important, he cares about those, and we care about those who are in need of money to pursue the cleanup, the rebuilding, the rebuilding of lives and families. All we have to do is simply respond to the President's request, simple request coming 3 months ago: Pass a clean emergency supplemental appropriations bill. Stop taking away the ounce of prevention program, a program that helps communities work together to eliminate crime. Stop taking away money from the peacekeepers, the men and women in Bosnia who have given their lives for this country. Stop interfering with the environment by trying to undercut an environmental process with the Department of the Interior. Stop interfering with the Department of Defense with the dual-use technologies. All of these issues are in an emergency supplemental bill when all we want is the money for these people to rebuild their communities.

I would simply say it is time now to stop the politics and act quickly, swiftly, certainly more so than we have done over these last 3 months. Bring back a clean emergency supplemental appropriations bill. Let us deal with the people forthrightly in those areas that are in need, and then, if we must, have legislative discussions and hearings relevant to these other aspects of this bill, but let us stop the battle of

the bulge, cut the fat and get down to the bottom line, serve the people who are in need and pass the emergency supplemental appropriations bill.

DISASTERS ARE NOT PARTISAN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. SNYDER] is recognized for 5 minutes.

Mr. SNYDER. Mr. Speaker, I thank you and the staff who are putting in long hours here once again. We appreciate you very much.

Mr. Speaker, on March 1, we had a 260-mile swath of tornadoes come through Arkansas. By the weatherman's count, there were approximately 24 different tornadoes that came out of the same storm front and caused tremendous damage through that 260 miles. There were over 20 deaths; the majority of them were in my district. For those that did not die and did not lose family members, their life too was severely affected by the storm, and as many of us do who are elected officials in those type of events, we go out there and try and learn and walk with our constituents through their tragedies.

I do not need to go into great detail about those stories. I have talked with policemen who found bodies, I have talked with family members who found family members. I cannot describe house after house after house of damage.

Any of us who have seen those kinds of storms, we know that those storms are not partisan issues. We know that those victims were not only Democrats or only Republicans or only Independents or only black or only white; we know that they were Americans undergoing great tragedy.

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I do not see this issue of the supplemental appropriations being a partisan one. I know that Republicans and Democrats together care about the tornado victims in Arkansas, they care about the flood victims in the northern United States.

The issue is not about who cares the most. We all care about what happens to our fellow Americans. The issue is really to me a more mundane one: How do we do the people's business; how do we in this Chamber, how do we freshmen, just completing our first term, just a few months into our first term, how do we do the people's business?

Frankly, my constituents back home are confused by how we are doing the people's business when it comes to this storm. They see in the paper the words "supplemental appropriations"; and I am a freshman, I hear that phrase, and it sounds like some new type of nutritional drink for athletes: supplemental appropriations.

Then I explain to them that is emergency, emergency money for troops overseas, emergency money for storm victims. Then they want to know, why is there such controversy over emergency dollars that we all agree on? And I do not have a good answer. As a new Member, I am still learning.

Let me tell the Members one of my observations here in the last few months. To me it seems there is a difference between compromise and common ground. We elected officials, we always talk about politics being the art of compromise. Let me suggest, Mr. Speaker, that perhaps in emergencies we ought not to be looking for the compromise. Compromises can take weeks and months to achieve. Perhaps we should be looking for the common ground: Find those things that we all agree on, whether we are Democrat or Republican, whether we are in Congress or in the executive branch and are the President. Find those things we all agree on and let us pass those cleanly without this extraneous material.

Mr. Speaker, I ask support tonight that we pass a clean appropriations bill, take out things on which we are having fights, take out those things that have nothing to do with emergencies, such as how to conduct the census. It does not make sense to the people of Arkansas that we are dealing with a very controversial issue, how do we do the census, when we are trying to provide emergency dollars for our troops in Bosnia, when we are trying to provide emergency dollars for storm victims throughout this country.

Tomorrow I hope we will vote on a clean supplemental appropriations bill. I hope we will vote for one without extraneous material. I hope we will conduct the people's business and find the common ground that the people of Arkansas and the people of this country want.

PASS A CLEAN SUPPLEMENTAL APPROPRIATIONS BILL

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentlewoman from California [Ms. WOOLSEY is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, earlier this year our country faced the disaster of floods and tornadoes that ravaged homes and businesses all across our Nation. In my district in California, the Russian River flooded our communities not once but twice this year. The damage was devastating. It devastated homes, businesses, agricultural lands, and the environment. It played havoc on the tourism industry at the Russian River.

However, Mr. Speaker, in the Congress today we have a disaster of our own. This time the disaster has been caused by the flood of partisan gameplaying and a tornado of political maneuvering by the majority party.

It has been over 2 months since the President requested emergency aid for flood victims. But my colleagues on the other side of the aisle continue to hold disaster relief funds hostage. They have loaded down this supplemental appropriations bill with pet political projects and extraneous provisions and stopped this bill dead in the water.

Mr. Speaker, the consequences of this delay are enormous. Disaster victims across America cannot reconstruct their businesses, their homes, their lives. They cannot clear their fields for new crops. They cannot get on with the job of rebuilding their lives and their environments.

Speaking of victims and their lives, and about what this game is doing to them, the mothers and babies who rely on WIC, the women, infants, and children program, cannot wait any longer. They have to know whether they are going to be thrown off of that program. Without the $76 million in supplemental funds in this bill, more moms and children will be denied critical nutritional assistance, and fewer infants and children will get the nutritional food they need to grow into healthy adults.

Mr. Speaker, it is truly outrageous that the majority party is playing political football with the lives of flood and tornado victims and pregnant women and their babies.

Mr. Speaker, while the rains have stopped and the Sun is shining in California today, the partisan games of the majority continue to cast a dark cloud over our recovery. Let us get on with it. Let us pass a clean supplemental appropriations bill that does what it was intended to do: provide emergency funds, not further some political agenda. Let us not tell these rained-out families that the Sun will come out next week or next month. Let us pass a clean supplemental and let us do it now.

EVEREADY AND THE ENERGIZER BUNNY JOIN THE NAFTA DRUMBEAT OF JOBS AND WAGES LOST TO MEXICO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio [Ms. KAPTUR] is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, everybody knows the Energizer Bunny. He has been around since the 1980's, and appeared in more than 40 commercials with his sunglasses and that little drum. Everybody knows his message: The bunny just keeps going and going and going.

Well, last week Eveready Battery Co., maker of the Energizer battery and the largest manufacturer of dry cell batteries in the world, announced that it would be closing its factory in the town of Fremont, OH, and moving all of those jobs to, you guessed it, Mexico; 250 more citizens of our country earning between $10 and $15 an hour

whose jobs are now on the chopping block, outsourced again to a low-wage nation that has no responsibility on environmental considerations. This gives new meaning to the Eveready slogan, it just keeps going and going and going, because those workers in Fremont, OH, now understand what that Energizer bunny is drumming all about.

This particular company is part of a larger trend since NAFTA: a quicker pace of companies moving from our country, moving good jobs that used to pay good wages with benefits in this Nation to low-wage environments, keeping pressure here at home for jobs that are more temporary in nature, more part-time, with no health benefits, and with retirement benefits threatened every step of the way.

Throughout our country companies are moving production and jobs to places like Mexico at a faster pace. In fact, when we add up these Eveready lost jobs, the numbers of people that have already been certified as having been terminated as a result of NAFTA now number over 140,000 around our country, including in States like my own, in Ohio.

We have seen textile and apparel plants leaving the American Southeast. We have seen electronics companies leave Massachusetts and Indiana. We have seen the destruction of the tomato industry in Florida. We have seen the potential for tens of thousands of jobs in the automotive industry to evaporate as companies locate plants in the border areas of Mexico. We have seen the potato industry in Maine laid low because of imports from Canada, and the wheat growers and cattle growers in the Plains States under assault.

The downward pressure on wages and benefits continues around this Nation. NAFTA is making its effects felt in communities throughout our Nation, and no region is exempt. You can run, but you cannot hide from the effects of NAFTA.

Today the Associated Press reports that the community that has been most hard hit by NAFTA is, you would never have guessed it, El Paso, TX. That is right, El Paso, TX, right there on the border, the same El Paso, TX that proponents of NAFTA predicted would be one of the greatest beneficiaries of the trade agreement. El Paso was once a stronghold of the garment industry, but the community has now lost over 5,600 jobs since NAFTA.

Coming in second is Washington, North Carolina, which has lost 3,400 jobs because of NAFTA. If anything, these statistics understate the dimensions of the losses, because not all workers who lose their jobs are reported to the Government of the United States at the Department of Labor.

By the way, it is the U.S. taxpayers that end up paying the costs of unemployed workers that are displaced due to this trade agreement when production is moved outside the United States. Most American citizens do not understand that. They think if people are put out of work, somehow the companies end up paying the costs of the workers' replacement in another field. That obviously does not happen.

Is that not a fine how do you do? Not only do the companies leave and they take the jobs elsewhere, but then it is the people of the United States through their tax dollars that have to subsidize the movement of these workers to hopefully some other job or some type of training.

We do know in all of the studies that have been done that when people leave one job and move to another, they rarely are employed at the same wage level, they rarely get the same benefits, and in fact, since NAFTA's passage, most of these people have seen their standard of living erode in an economy that is supposed to be just doing wonderfully.

I will submit for the RECORD the article that was in the Associated Press this morning, that El Paso leads the Nation in lost jobs, and an article from the News Messenger in Fremont, OH: "NAFTA Cited in Eveready Loss," as further evidence that the agreement is not working.

The articles referred to are as follows:

[From the News-Messenger, June 6, 1997]

NAFTA CITED IN EVEREADY LOSS—TOLEDO AREA U.S. REP BLAMES FREMONT PLANT CLOSING ON FREE TRADE PACT

(By Lynda Rea)

Eveready Battery Co.'s decision to close its Fremont factory is the latest tragedy resulting from the North American Free Trade Agreement (NAFTA), Toledo's U.S. Congresswoman says.

"Every single job we lose is a tragedy for the people who are terminated and the community in which they reside," the 9th District's Marcy Kaptur said.

"Eveready advertises they 'keep going.' Well, I guess they are going. This is 250 workers—that is a huge, huge loss for us."

Eveready announced earlier this week it would close the newly-renamed Energizer factory in 12 to 14 months and move a portion of its production to Mexico, eliminating 250 local jobs.

Asked whether NAFTA played a role in the decision, Eveready officials emphasized that the reason instead is declining consumer demand for carbon zinc batteries, which do not last as long as alkaline batteries.

Domestic production of carbon zinc batteries, which are made in Fremont, has dropped to 30 percent of what it was in 1986, Eveready spokeswoman Jill Winte said.

"NAFTA has not been a factor in the decision-making process," Winte said. "The carbon zinc battery is just a declining segment of the market."

Kaptur says companies are heading south of the border—taking 140,000 American jobs with them since NAFTA started—because of fewer environmental regulations and because they can pay laborers "pennies."

"They all use the excuse they have to compete globally, except all the companies who are doing this are all multi-nationals and they seek the lowest standards."

Comparing Mexican wages to Americans' wages and, more importantly, to corporate profits, "makes me sick," Kaptur said.

Employees at Fremont's Eveready earned $12 to $18 an hour, with the average worker earning around $13, Eveready spokesman Keith Schopp said.

Various sources place the typical Mexican wage between 80 cents and $1.50 an hour, which Kaptur called "hunger wages."

Fremont's closing will create a "small number of incremental jobs" in Mexico, but it is too early to determine the number, Winte said.

"There is no question that the average wage in the U.S. is higher than the average wage in Mexico or outside countries, but that was one of many factors the company considered," Schopp said.

"The main reasons are the U.S. market is moving away from carbon zinc batteries and we need to consolidate production for the Western Hemisphere."

Eveready already has moved production from Brazil, Argentina, Colombia and Ecuador into the existing Eveready plant near Mexico City, which employs 900 people, Schopp said.

U.S. Rep. Paul Gillmor, R-Old Fort, said he found it "disturbing" that local production was going to Mexico, but added he does not blame NAFTA.

Americans were complaining about jobs going to Mexico long before NAFTA began reducing tariffs and other trade barriers, he said.

NAFTA has eliminated a 20 percent duty on American products shipped to Mexico and a 10 percent duty on Mexican products shipped to the U.S., Gillmor said.

"I don't want to see these jobs or any other jobs go to Mexico, but the idea that because the Mexicans had to lower tariffs it has hurt American jobs defies any logic," he said.

Gillmor said NAFTA has had little impact in the Fifth District, which includes Sandusky County. His 1996 poll of 124 firms, employing 17,000 people, found that 72 percent reported no impact on business by NAFTA. Eighteen percent said NAFTA had helped their business and 10 percent reported it had been detrimental.

A local business expert, Richard Smith of the Sandusky County Economic Development Corp., said American companies moving to Mexico is a trend related to NAFTA.

"Personally I think these are short-term solutions," Smith said. "In the long run, quality will suffer. . . . They are leaving behind quality labor when they do that."

Kaptur could not agree more.

"We have had dozens of closings in Ohio already," Kaptur said, listing Goodyear and Allied Signal as examples of movers to Mexico.

" . . . I say to them, 'You sell your product there and don't send it back here. We are not interested.' "

EL PASO LEADS THE NATION IN NAFTA-RELATED JOB LOSSES

EL PASO, TEXAS (AP).—El Paso, once a garment-industry stronghold, has lost more jobs than any other U.S. city since the North American Free Trade Agreement went into effect in 1994, U.S. Department of Labor statistics show.

In El Paso, 5,623 jobs have been lost. Coming in second is Washington, N.C., which has lost 3,400 jobs because of NAFTA.

El Paso mayor-elect Carlos Ramirez said the losses show the city needs to give selected industries strong incentives to come to the city and stay.

"Our economic development areas have to be in jobs where not only we have an economic advantage but also where we have an economic multiplier, such as international trade, light manufacturing and high-tech," Ramirez said.

No figures are kept on jobs created by NAFTA in El Paso. But Ramirez said that from January 1994 to January 1997, El Paso's total number of jobs grew by 13,200 to 236,500.

NAFTA lowered trade tariffs among the United States, Canada and Mexico beginning in 1994. The Labor Department's numbers cover job losses attributed to trade with Canada and Mexico from January 1994 until April 30, 1997.

Nationwide, the Labor Department counts 124,616 NAFTA-related job losses, 45 percent of them from work moving to Mexico. Most of El Paso's NAFTA-related layoffs occurred when companies closed plants and moved operations to Mexico.

The majority of NAFTA layoffs, 77 percent, were in the garment industry. Some analysts said the industry was moving production out of the country before NAFTA anyway.

"El Paso concentrates on men's blue jeans, men's shorts, basically men's clothing, which is very standard. And that is the easiest thing to move offshore." said Raul Hinojosa, director of the North American Integration and Development Center at the University of California at Los Angeles.

Unlike the garment industry, the trucking industry has benefited from NAFTA. More than 500 trucking jobs have been created in El Paso in the past year alone.

When the Labor Department certifies jobs as lost because of NAFTA, the displaced workers become eligible for government-paid retraining.

Armida Arriaga, 56, worked in the El Paso garment industry for 18 years. In May 1996, she lost her job as a seamstress at Tex-Mex Sportswear when the company moved work to Mexico.

"I've used the NAFTA benefits, I'm studying English like others. But I'd prefer to have a job," she said.

Arriaga's benefits, which have included unemployment pay and paid retraining, come to an end in August and she's worried she will not have learned enough by then.

"I'll have to find work, and in sewing there aren't many jobs any more," she said. "That was my profession. I have little hope they'll take me."

Some efforts are under way to extend NAFTA benefits for displaced workers: a worker's advocacy group, La Mujer Obrera, is pushing for bilingual training programs.

U.S. Rep. Silvestre Reyes, D-El Paso, is proposing $12 million for NAFTA's Transitional Adjustment Assistance program. Budget disputes in Congress have so far kept the proposal off the next budget.

TRIBUTE TO MRS. BERTHA MUSICK OF CLARK CENTRAL HIGH SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Georgia [Mr. KINGSTON] is recognized for 5 minutes.

Mr. KINGSTON. Mr. Speaker, in 1973 two significant education-related events occurred in my life. No. 1, Clark Central High School teacher Bertha Musick retired after 37 years of teaching. Mrs. Musick had taught social studies, science, and English in elementary school, junior high school, and high school, but during my time in high school she was known as the 11th grade teacher in that feared and hated subject of grammar.

On the 12-year bumpy road to a high school diploma, Bertha Musick was the gatekeeper. If you could not pass 11th grade grammar, you could not get a diploma, and Mrs. Musick did not give away any freebies.

I, along with most Athens, GA, kids, started hearing about Mrs. Musick's 11th grade class as early as in the 9th grade. Pray you do not get her, it is the hardest class at Clark Central, the upper classmen would warn us, yet nothing could be done to prevent it. Student placement and teacher selection was done in some dark, secret chamber far beyond the influence of watchful eyes of 16-year-old students. What would I do if I got Mrs. Musick?

The luck of the draw was such that I did get Mrs. Musick, and I guess from her perspective, she got me. My deepest fears were realized: How was I, a mere average kid, going to live up to her high standards? My first task was to know all of her many ground rules. She was known as a strict no-nonsense instructor; no talking, no napping, no note-passing, and never forget your grammar book. I did all these things, and because I knew she was not going to change, I would have to.

Mrs. Musick, let me say this now if you are listening: I only tonight feel comfortable in confessing that I did forget my grammar book once, and it was one of the most dramatic days of my junior year, but somehow you never noticed. But I can promise you this, it only happened one time. My game plan was to try to fit in as a quiet, even smart student. I decided that I could get by being unnoticed and not rocking the boat, stay under the radar screen.

But I soon found I had a problem, because in the 1970's in Clark Central High School students in each grade were divided by ability. They were four groups. I know the board of education had more suitable terms, but for us kids the four groups were known as the smart group, the medium smart group, the medium group, and the dumb group.

The smart group contained all the future doctors, lawyers, mechanical engineers, accountants, miscellaneous eggheads, National Merit Scholars, and professors' kids. You see, Athens, GA, is a college town. All the University of Georgia professors' kids were in the smart, advanced placement class.

Actually, Mr. Speaker, I, too, am a professor's child, but through some genetic defect I inherited none of the accompanying brains. I was in the average group. But early in 1971, through some quirk of the board of education, I was put into the dumb group. I had never been in this group before, and it bothered me greatly. How did this happen? What strange alignment of the stars put me in this place?

Not knowing what to do, I stumbled into the guidance counselor's office; another great lady, Mrs. Hackey. I asked for her advice. In short, she told me the decision to transfer would be made by Mrs. Musick. My heart sank.

□ 2045

She will think I am dumb. She will not have anything to do with me. Teachers like that think less of you, not more of you. A week passed, and I still lacked the nerve to talk to her. Finally I could not stand it.

I caught Mrs. Musick after class one day. "You see, Mrs. Musick, I have already read a lot of these books that we are supposed to be reading, and I just think I would be better off in the medium class."

She replied, "There is no room in the medium class. Besides, you have a conflict with algebra. What about the advanced group?"

Was she joking? The advanced, that was where all the real smart kids were like Richard Royce and Alice Cooper and David Bowman, certified geniuses from way back, kids who made 1500 on their SAT score and played with slide rules when the rest of us were fiddling around with Etch-a-Sketch. I stammered, "Well, not that much of a leap."

"Do you want to stay in the class you are in now?" I dreaded the thought.

She looked at me and said, "I think you can do it." Now, was not this a surprise? Teachers like this do not give students like me a break. This was strange indeed. A teacher I feared and fretted about giving me a promotion, based on speculation. No one had ever done this for me. I had had plenty of good teachers. I liked plenty of them, and they liked me. But no one had ever gone out on a limb on my behalf.

Then something even more wonderful happened. If Mrs. Musick thought I could do it and she believed in me, maybe I could do it and maybe I could believe in myself also.

Mr. Speaker, this inspiration given to me by a schoolteacher over 25 years ago always has stuck with me. I transferred to the new class and got to work. I doubled my efforts, my enthusiasm for learning. I did not want to let the other kids know I did not really fit in, and I sure did not want to let Mrs. Musick down.

During the Christmas holiday, I worked on my term paper for the winter quarter. I read "For Whom the Bell Tolls", "Thanatopis", "Tess of the D'ubervilles", "Red Badge of Courage", "The Last Leaf". I ended up the year making A and B's, mostly B's, but B's never felt so good. But above all, I was in the advanced class in everything else, algebra, science and history.

What else can I say about the woman who made this possible? She was strict but she was clear. She gave us the rules. We understood them and we followed them, and we if we did not, punishment was sure and swift. There was no pink slip, no parent-teacher conference or gray area. Fairness and certainty were her trademarks in discipline.

On her subject matter, she was passionate. No sentence has been constructed that she could not diagram. Infinitives did not get split and participles did not get dangled on her watch. In fact, I am still a little afraid now, if she is watching, she will catch all my mistakes.

On literature there was none so devoted. One day it snowed, and in Athens, Georgia a snow day to students was worshipped like manna from heaven. No school. While all of the students rushed to the hills for sledding, Mrs. Musick later confessed she could not wait to get back to a good book or two, and with good reason.

She was intimately acquainted with Fitzgerald, Thoreau, Emerson, Huxley, Whitman, Oliver Wendell Holmes and company. She was their peer and they were her friends. Once Lewis Nix suggested Hemingway partied too much in Key West. Mrs. Musick neither confirmed nor denied this but took us all to a higher plane with her admonishment, "Do not talk about one of America's greatest authors in such fashion. He went through a lot in the war." A classy way to handle such a statement. Her love of literature was contagious and many Clark Central students left with reading as a lifetime hobby.

I will close with this. I still do not know what Thanatopis means, but I do know what the poem was about. I traveled with Hemingway to Mount Kilamanjaro, spent some time with Thoreau at Walden Pond, dined with Fitzgerald and Gatsby at West Egg and wept with Oliver Wendell Holmes on the Gettysburg battleground. As they have become immortal, so has Mrs. Musick.

How many students like me left her class with a lifetime habit of reading and yearning for knowledge or even an appreciation of grammar? Our lives live on in the influence that we have on others, and Mrs. Musick's legacy is indelibly etched on thousands of Athens, Georgia kids. I am blessed to have had her and forever better for the experience. I am sorry for those who did not.

I started out, Mr. Speaker, saying there were two significant things that happened in Athens, GA. One, Mrs. Musick retired. The other, Jack Kingston graduated. After 12 years of study, I walked down the aisle with my diploma, a product of lots of classroom hours and homework and wonderful teachers like Mrs. Bertha Musick.

ON SUPPLEMENTAL APPROPRIATIONS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California [Ms. ROYBAL-ALLARD] is recognized for 5 minutes.

Ms. ROYBAL-ALLARD. Mr. Speaker, as a Member of Congress representing parts of Los Angeles, I am acutely aware of the devastating impact natural disasters have on human life. The Northridge earthquake, for example, not only destroyed homes and parts of communities but lives and people's livelihood.

In response, Congress acted to ease the misery of these victims by quickly appropriating much-needed disaster assistance. By so doing, Congress sent a clear message to these victims that they were not being abandoned by their government and we gave them hope that they would be able to rebuild their lives. Congressional response to the Northridge earthquake represented the Federal Government at its best.

Today, 83 days after the President asked Congress to pass legislation providing desperately needed funds for families suffering the aftermath of the recent floods, these victims are still waiting for Congress to help them in their time of need. Their cries for help fall on the deaf ears of the Republican majority who insist on using the disaster relief bill as a vehicle to ram through an unrelated political agenda which the President has said over and over again is unacceptable.

Despite the President's warning of a veto, the Republican majority put their interests ahead of the interests of the flood victims and included unrelated provisions, knowing the bill would be vetoed. These Republican machinations represent government at its worst. Yes, the issues of the continuing resolution and the census should be considered by this House. But those are separate issues.

Our first and most immediate responsibility is to give help to those who are suffering the ravages of the floods. North and South Dakotans, Minnesotans, northern Californians and Ohio River Valley residents want and deserve to rebuild their lives. They want and deserve to have peace of mind and a modicum of security. They need help to relocate their businesses, repair damaged roads and clear their farms in time for planting.

Yet the Republicans keep placing their political agenda ahead of the needs of these victims. Such game playing is untenable when lives and livelihood are at stake. I call on the majority to do the right thing and immediately remove objectionable extraneous provisions from the emergency supplemental appropriations bill. Send President Clinton an emergency supplemental appropriations bill he can sign. Send the flood victims the relief they so desperately need and deserve.

PASS THE EMERGENCY SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine [Mr. ALLEN] is recognized for 5 minutes.

Mr. ALLEN. Mr. Speaker, a few moments ago I told my wife I was coming to this Chamber to talk on the supplemental appropriations bill. And she said, why do they not just pass a clean supplemental bill? Why do they not do it? There are flood victims out there who are waiting for relief. Why do they not do it?

I think that those who have been following this issue over the last few weeks are asking the same question. Why do we not have a clean supplemental appropriations bill? Because clearly there are people in need.

The Republican leadership's failure to pass a clean supplemental appropriations bill has today prompted a Presidential veto. It is not surprising. The President made his position perfectly clear. That Presidential veto is denying our people at home the resources they need to rebuild their lives. Moreover, it is denying our troops in the field the resources they need to carry out their mission. The supplemental appropriations bill provides $5.8 billion to individuals in 33 States hard-hit by disasters. It also provides $1.8 billion to peacekeeping efforts in Bosnia and southwest Asia.

Eighty-three days ago, that is when the President asked this Congress for a disaster relief bill, 83 days ago. Since then the Republican leadership has been persistent in forging ahead with a relief bill that is so loaded down with extraneous and harmful positions that frankly that guaranteed the veto. I do not believe that many people around this country understand that position. Why are we loading up this bill?

I can guarantee you, I do not think a disaster relief bill, if it came to this House pure and clean, disaster relief only, it would pass without a single dissenting vote. The Members in this Chamber want disaster relief. Civic leaders from Grand Forks, ND, and East Grand Forks, MN, and from numerous other communities have cried out that disaster relief is critical and that every day a disaster bill is not enacted is one more day that Americans are denied the necessary resources to rebuild their communities.

I am also holding letters here from Secretary of Defense Cohen and the Chiefs of Staff of the Army and the Air Force which describe the effects on the military of the Republicans' failure to pass a clean bill. Training is curtailed. Maintenance is delayed. Rotations are canceled. Inventories are drained. Our soldiers, sailors, marines, and airmen need a clean supplemental bill.

Mr. Speaker, there is a time for partisan politics and a time to set it aside. But when Americans are hit by a natural disaster, we must act together and

act quickly. The American people and American troops need our support. We must do our job, and we must do it today. Let us pass a clean supplemental appropriations bill to support our troops in Bosnia and our people at home.

There are two provisions I want to mention quickly in that bill that ought to be stricken. One is a provision that would prevent, permanently would prevent the U.S. Census Bureau from using statistical sampling in trying to determine how many people in the year 2000 live in this great country. Statistical sampling. Everyone in this Chamber knows what that means. Every one of us do polling. Every one of us knows that you cannot find out how many people live in a community by knocking on doors and counting. It is a very inefficient way to do it. You need something else, and statistical sampling is the way to go and do it.

The Department of Justice under the Carter administration, under the Bush administration, under the Clinton administration has made it clear that statistical sampling is constitutional and appropriate as a way of determining the size of the population.

Second, there is another provision in here that needs to go. That is a provision that sounds good on its face, which would prevent a Government shutdown, but in fact it removes the incentive for this Congress to pass a budget. We do not need another obstacle to passing a budget. We need to get down to business and do it.

Mr. Speaker, to delay any longer is irresponsible. Playing with other people's lives is wrong. I urge my colleagues to pass a clean disaster relief bill. Only a clean bill will provide the disaster relief necessary and the resources our troops need in Bosnia and southwest Asia in order to do their jobs. Eighty-three days ago the President asked us for disaster relief and we passed a bill that was guaranteed to draw a veto. It is time to get serious, time to pass a clean bill.

Mr. Speaker, I include for the RECORD the following:

DEPARTMENT OF THE AIR FORCE,
OFFICE OF THE CHIEF OF STAFF,
Washington, DC, June 3, 1997.

Memorandum for the Secretary of Defense

From: HQ USAF/CC, 1670 Air Force Pentagon, Washington, DC 20330-1670

Subject: FY97 DoD Contingency Supplemental

I understand that quick passage of the Supplemental may be in jeopardy. The purpose of this memorandum is to make you aware of the impacts of delayed passage (beyond June) on Air Force day-to-day operations.

The Air Force is currently cash flowing over $700 million in support of Bosnia and SWA operations. We are doing so out of third and fourth quarter funding but are fast running out of flexibility and must soon take very dramatic action to avoid incurring an anti-deficiency in our O&M appropriation. On or about 1 July, Air Force commanders must begin taking the following kinds of actions:

Severely curtail or cease non-flying training—skill and proficiency levels reduced, e.g., weapons maintenance.

Severely curtail or cease flying training—squadrons and wings stand down—aircrew readiness degraded.

Cease all non-mission critical travel.

Defer further depot maintenance inductions—aircraft grounded.

Terminate benchstock fills—aircraft spares and consumables inventories drained.

Park non-mission critical vehicles.

Place moratoriums on all but safety related facility maintenance, including runway repair.

Impose civilian hiring freezes.

I know you are aware of the importance of this issue. We are well beyond the point where we can avoid serious disruption to Air Force operations if there is no supplemental. Timing is now critical.

RONALD R. FOGLEMAN,
General, USAF, Chief of Staff.

U.S. ARMY,
THE CHIEF OF STAFF,
Washington, DC, June 3, 1997.

Hon. WILLIAM S. COHEN,
Secretary of Defense, Washington, DC.

DEAR MR. SECRETARY: I need your assistance in expediting the Bosnia Supplemental currently on the Hill. In early April, I advised Congress that in the absence of supplemental funding or the clear assurance that such funding would be forthcoming, I would be forced to begin actions in early May that would result in a degradation of readiness. I have not initiated the panned actions to deal with the lack of supplemental funding because the progress made had convinced me that supplemental funding would be forthcoming.

Recent developments indicate passage of the supplemental may be at risk. This puts the Army in the position of having to provide fourth quarter resource allocation to the field without having supplemental funding in hand. We have a fiscal responsibility to ensure that the allocation of fourth quarter resources is done within current limitations. There are several actions presently under consideration to cope with this situation. Each will have direct readiness and quality of life implications. Actions include the cancellation of Army participation in JCS exercises, Combat Training Center (CTR) rotations, home station training, weapons qualification training, and the deferral of some real property and depot maintenance. Some of these actions could carry over into the next fiscal year. For example, canceling home station training in the fourth quarter of this fiscal year could impact on CTC rotations in the first quarter of FY 1998.

We continue to monitor the supplemental very closely. As the situation develops, the Army will initiate any and all actions necessary to train and operate within the means available to us.

Very Respectfully,

DENNIS J. REINER,
General, U.S. Army, Chief of Staff.

THE SECRETARY OF DEFENSE,
Washington, DC.

Hon. C. W. BILL YOUNG,
Chairman, Subcommittee on National Security, Committee on Appropriations, House of Representatives, Washington, DC.

DEAR BILL: I want to thank you for your action to date on the FY 1997 Bosnia/Southwest Asia Supplemental request, but I want to share with you my concern and that of the Service Chiefs about the impact on operations and training if the supplemental is not approved soon.

In my testimony and discussions with Congress, I have emphasized the need for early action on the supplemental. Based on its likely passage by Memorial Day, few actions were taken by the Department to offset supplemental costs. However, since our request was not approved last month, the Chiefs of Staff of the Army and the Air Force have renewed their concern over the possibility of delayed passage of the supplemental. I have enclosed copies of recent memoranda from them. To ensure that their overall operations are properly funded, the Chiefs have indicated that they cannot risk being left with no options for funding Bosnia/Southwest Asia costs if the supplemental is delayed much longer.

I remain hopeful that quick action can be taken on the supplemental to preclude the disruptive impact to the Department's programs, especially those related to maintaining our readiness capability.

Sincerely,

BILL.

IMPORTANT ISSUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Vermont [Mr. SANDERS] is recognized for 5 minutes.

Mr. SANDERS. Mr. Speaker, as the only Independent in the House, let me raise a few issues which I consider to be terribly important but which unfortunately do not get discussed all that much here in the House Chamber. For a start, I think maybe the most important issue as a country that we have to wrestle with is to what degree is the United States of America today a vital democracy.

□ 2100

Sounds like an easy question. We have the right to vote. But, really, to what degree are our people involved in the political process? To what degree do people have faith and expectations of the political process?

Mr. Speaker, I would remind my colleagues that just 4 years ago, in 1994, the gentleman from Georgia [Mr. GINGRICH] and his friends took over the House of Representatives. We had an election in which 38 percent of the people voted. Sixty-two percent of the American people did not vote. And in that election and, today, we continue to have, by far, the lowest voter turnout of any industrialized nation on Earth.

Why is that? And why do we not discuss this issue? Why is it that millions of low-income people no longer participate in the political process, no longer believe that this Congress deals with issues or makes decisions which are relevant to their lives? Why is it that young people, in leaps and bounds, no longer pay attention to what goes on politically and do not believe that the political process is relevant to their

lives? We do not talk about that issue, and I think it is important that we do.

And I think the answer is twofold. First of all, I think there is a great deal of discontent with the two major political parties, and I think that millions of Americans think that both political parties end up representing the wealthy and the powerful.

Second of all, even deeper than that, I think there is a growing belief that real power does not lie within the political process; that it almost does not matter who gets elected, which party controls Congress or State legislatures, but real power rests elsewhere.

In my State of Vermont and throughout this country we see large corporations saying, well, we would like to pay less in taxes within our city or within the State, and if the lawmakers do not give us a tax break, we are going to move to another State or, more likely, we will move out of the United States of America. And what does a mayor or a Governor do or a legislature do under that scenario?

It does not matter what party controls the legislature. Essentially, what people understand is that real power rests with the people who have the money. And if the people who have the money are not pleased, do not get the tax breaks that they want, they are going to move elsewhere. When that happens, people say, why should I vote, it does not make any difference. Politicians really do not have the power.

So I would argue that this country faces a major political crisis. During the 1960's the Beatles were talking about what happened if they started a war and nobody came, nobody fought in the war. My fear is that the day will come where we are going to have an election and people will not come out to vote.

In 1994, we had 38 percent of the people voting in the national congressional elections. Last year, when President Clinton was reelected, I believe we had about 49 percent of the people voting. My guess is the next national congressional elections, in 1998, we will have about 35 percent of the people voting, and the voter turnout will go down and down.

It is up to this institution, the U.S. Congress, to stand up and try to understand what is going on and figure out a way that we can reinvigorate democracy.

We talk a lot about education. Everybody agrees, conservatives and progressives, on the importance of education. But if we are not talking about education for democracy, the right of people to control their own future, what are we talking about?

The second issue I briefly want to touch on is the issue of the booming economy. Mr. Speaker, we cannot open a newspaper without hearing about how fantastic the economy is doing. Some of our Wall Street friends here say, my God, it has never been so good. We cannot imagine it getting any better.

Yet, when we look at the fine print which appears on page 68, somewhere beneath the sports section, we find that the real wages last year for the American worker was up 3.8 percent when inflation was about 3 percent. And if we know that the low-wage workers got a boost because of raising the minimum wage and the upper income workers generally do better, what we conclude is the average middle-class worker continues to see a decline, a drop in his or her real wages. The economy is booming, but the average American worker continues to get poorer. That has been going on for 20 years.

So I would suggest when we talk about a booming economy, let us look at the middle class and the working class of this country. And then, my friends, the economy is not booming so much.

A CLEAN DISASTER RELIEF BILL IS THE RIGHT THING TO DO

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). Under a previous order of the House, the gentleman from Texas [Mr. LAMPSON] is recognized for 5 minutes.

Mr. LAMPSON. Mr. Speaker, I rise today to express my dismay over the continued mishandling of the disaster relief bill by the Republican leadership.

I represent a district along the gulf coast, and perhaps in several months, after a devastating hurricane, I will find myself in the same position as my colleagues, the gentleman from North Dakota [Mr. POMEROY] and the gentleman from South Dakota [Mr. THUNE]. I know that I would want disaster relief for my constituents in Galveston or Port Arthur or Texas City or Beaumont to be delivered as quickly as possible. Instead, my friends from the Dakotas have watched with what I can only imagine to be a combination of anger and disgust as certain factions within this body have played politics and political games with their aid.

I voted against adjourning for the Memorial Day recess so we could resolve this situation. I cannot imagine how my colleagues must have felt returning to sites of the flood devastation and trying to explain the holdup.

And yet, with great empathy for the flood victims, I felt that I had no choice but to vote against the disaster relief bill when it finally came to the floor.

The practice of attaching extraneous riders to disaster relief legislation may not be new, but as a freshman, it is the first time I had been forced and faced with such a dilemma. It is wrong. It should not be done.

Some of my colleagues have said it is the President playing politics. It is the House of Representatives playing politics and it is not right and should not be done.

I agree with Grand Forks, ND, Mayor Pat Owens, who said: "It is not fair to play with our people's lives and put amendments on to that bill."

The Governor of South Dakota, Bill Janklow, a Republican I might add, refused to put his name on a letter to the President asking him to sign the bill. A Fargo-Moorhead Forum editorial described Janklow's refusal as, "putting the interests of flood victims ahead of partisan considerations."

I appreciate that the people of this area understand why we have been forced to vote against supplying them the aid they need and deserve. A clean disaster aid bill for the victims of the flooding in the Midwest is weeks overdue. It is the right thing to do.

Today, after the President's veto, there is still no clean bill. Mr. Speaker, I must ask why. People's lives are in the balance.

Mr. Speaker, I must also ask why we do not allow the extraneous provisions attached to the disaster bill to stand on their own. Are we afraid they will not stand up to the scrutiny of the committee process? If these are good ideas that will benefit the American people, let them stand alone. If these extraneous provisions have a broad base of support among the American people, allow the Members of this body to consider them on their own merits. Attaching them to a disaster relief bill is cowardly.

I will briefly address just one of these provisions. In the 104th Congress, the House asked the Census Bureau to cut costs on the 2000 census. Followup analysis of the 1990 census done by the Bureau shows that our current method is resulting in an undercount. The National Academy of Sciences has told us a statistical technique called sampling will result in a more accurate count for the final 10 percent of Americans, those who do not respond to the questionnaires. The Census Bureau tells us the use of this technique will save them $1 billion in conducting the 2000 census, almost 25 percent of their cost. The Republicans seek to ban a technique which scientists tell us is better and the counters tell us is cheaper.

Mr. Speaker, this does not add up. The fact that this is attached to a disaster relief bill is a red flag waving high in the sky. It is enormously suspicious, especially when given that a few years back, the gentleman from Georgia, Mr. GINGRICH, specifically requested sampling to be used in his own State.

Mr. Speaker, one side of this debate has been up front with the victims of this flood and one side has made them pawns in a political game. The Fargo-Moorhead Forum newspaper concluded on Sunday morning and I quote again: "Republican leaders in Congress continue to play outrageous political

games with the lives and futures of Red River Valley flood victims."

How true and how sad it is.

A clean disaster relief bill is the right thing to do. Mr. Speaker, let us get it done.

WHAT IS A PERCEPTION'S REALITY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Florida [Mr. SCARBOROUGH] is recognized for 5 minutes.

Mr. SCARBOROUGH. Mr. Speaker, I have been listening to this debate on TV and decided to come over and get involved a little bit. I heard the Beatles' name brought up earlier, and listening to this debate, I am reminded of another Beatles' line out of Strawberry Fields Forever. "They say living is easy with eyes closed; misunderstanding all you see." And then of course the hook is all about how nothing is real in Strawberry Fields.

Well, nothing is real in this debate either. It reminds me so much of what happened over the past couple of years where we had Medicare come up first, and how we Republicans hated our grandmothers and senior citizens because we wanted Medicare to increase at 7.2 percent but the President and the Democrats, who loved our grandparents so much more than us, wanted it to increase at 7.3, 7.4 percent.

Today, I think we voted on the bill in Ways and Means where it passed something like 30 to 3, a similar bill to what so many people were attacking before.

Now it is flood victims. It was also children. We hated children because we only wanted the School Lunch Program to go up 4 percent instead of 6 or 7 percent.

Now we are talking about flood victims, talking about how we want to hurt the flood victims. Of course, as happened during the Government shutdown when the President vetoed bill after bill after bill that we sent him, what people did not recognize was that it was the President who was vetoing the bills. It was the President who vetoed this bill today.

So the President, of course, was handed a wonderful, wonderful issue. It was put in his lap. And I have to wonder how we Republicans keep stepping into it and making these mistakes, but we do because we actually think that we should debate on the merits instead of on political points.

Which brings me to point two. The fact is that this crisis has been created for political purposes. What we do not hear is the fact that FEMA is funded, at least through this month. And we also saw in an AP report about a month ago, when this debate first started coming up before the Memorial Day break, when the President needed an issue, what he did, because the agencies were funded through this time period, he actually pushed up, he forward-funded, according to the AP articles, requirements so he could say, gee, these people are not getting their money.

So the President pushed the dates up for funding so he could create a political crisis, and that is what he did. And so now the President can get out and once again be compassionate and be the one that loves flood victims when Republicans supposedly hate flood victims.

So let us keep a list now. It is senior citizens, it is young children and it is flood victims. I guess the Democrats believe a sucker is born every day.

I can tell my colleagues that I constantly have hurricane victims in my district. I understand how this situation works, and certainly I feel compassion for the people that have been suffering this crisis.

In another area that, again, maybe nothing is real, or maybe as Henry Kissinger says, "In politics, what is a perception's reality," we keep hearing people say just give us a clean bill, just let us fund the flood victims, that is all we really need, when, in reality, if somebody would pick up the New York Times this morning and read in the New York Times that this so-called clean flood bill, where we needed $750 million to actually fund the flood victims, ended up being an $8.4 billion monstrosity.

Now, I want to know where were all these self-righteous people when these emergency parking garages were being put in this bill; when, according to the New York Times article, we threw in, as "an emergency funding" a theater, with theater renovations. And they went and asked the guy who owned the theater, is this theater really an emergency, and he said, well, we had a couple of pipes that leaked last year.

The fact is that we have shoved, these same people who are now screaming give us a clean bill were the same people, both sides, Republicans and Democrats, that were shoving as much stuff into this so-called emergency appropriations bill as they could. And yet now they come back and they whine about how they need a clean bill. Well, that did not seem to concern them that much before.

Also, we shoved in money for apple orchardists. I guess they were so shocked and stunned by the visions they saw on TV that they were not able to attend to their apple orchards. Maybe that requires funding in this emergency appropriations bill.

If we read the New York Times article, we can see that these arguments about how they just want a clean bill is disingenuous. Everybody has gathered around the table and thrown all they could on there.

Finally, we should talk about what this issue is all about. It is about a continuing resolution issue, where we wanted to avoid letting the President do what he did before, vetoing appropriation bill after appropriation bill, and then coming out and going I will not let the Republicans do this, that, or the other.

□ 2115

Again, it is disingenuous. This CR is the only way we ensure that we continue funding FEMA and other agencies at 100 percent without the President vetoing these bills time in and time out, without using flood victims for political purposes.

I say, let us get to the facts of the matter and let us stop using the flood victims as political pawns.

DISASTER ASSISTANCE BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Minnesota [Mr. MINGE] is recognized for 5 minutes.

Mr. MINGE. Mr. Speaker, I represent the Second District of Minnesota. It is a district that contains almost the entire length of Minnesota River. Minnesota River flows through a broad valley. I think for many, it is known as the Valley of the Jolly Green Giant. It is very productive, it is lush, and it is noted for the table vegetables that have been grown there over the past several decades.

In the valley there is a narrow river that winds back and forth and oxbows and normally is very placid. But occasionally it becomes a raging torrent. In 1997, this river carried more water than it ever has since the area was settled, over 100 years ago. The record water levels resulted in flooding in numerous communities, starting in Ortonville at the head of the river as it flows out of Big Stone Lake, required the evacuation of the community of Odessa. Tributaries flooded in Appleton, Dawson, MN. Montevideo, MN, my home community, was on the evening news for the first time in the history of the community repeatedly because of the efforts of the volunteers to try to stop the damage by sandbagging, building dikes.

Their efforts were successful except for one neighborhood which could not be saved and could not be diked. Downstream, Granite Falls built dikes. It was largely spared the ravages of the flood. North Redwood Falls was affected, however, and a few homes in the community known as New Ulm. This was all damage that was done, but fortunately we were spared the ravages of the communities on the Red River of the North.

People in my area felt quite fortunate, by comparison. The communities pulled together. Thousands of volunteers came from neighboring towns from the urban areas, and a real spirit of cooperation and goodwill prevailed. I can tell you that partisanship was certainly absent in this undertaking.

The people also were impressed with the activities of the Federal Emergency Management Agency, or FEMA, and the Army Corps of Engineers, both of which had a very substantial presence, and the National Guard troops that were mobilized and came in. I held a series of informational meetings on the disaster programs that were being established, the ones that were in place. The FEMA officials, the Army Corps of Engineers, the State agencies, U.S. Department of Agriculture agencies all came and participated in these meetings.

It appeared that we would have a disaster assistance program that would both be effective in addressing the needs of the communities and the residents and would be promptly available. Unfortunately, as the days wore on, it also emerged that partisanship would be a part of the picture.

In an effort to pass legislation that the leadership in this body and the other side of the building knew would be unacceptable to the President, they begin to beat the drums about how important certain riders were. And unfortunately, I concluded that what was happening is that this disaster assistance bill was being hijacked for other purposes. Proposals that could not be passed separately would not be accepted by the President were being shoehorned into the disaster assistance bill in hopes that the President could be brow beaten or embarrassed into signing them.

Well, we know what happened. The President vetoed the legislation. I am not here this evening to say that we have to point fingers at the leadership in the House and the Senate or criticize the President. The fact of the matter is, all of us knew that this legislation as it left Congress was on a collision course with the White House.

It is very difficult for me to tell people at home that the political process is consumed with politics and that we cannot deliver the type of assistance that has become a consensus package for disaster assistance. It is awfully difficult for me to explain to people why it is that controversial riders have to be attached to this legislation. I cannot explain it. I voted for it. I wanted to see it passed. But it was unacceptable.

The previous speaker said the money is in the pipeline. Do not worry. I would just like to briefly point out that although FEMA is well funded, the community development block grant program for relocation assistance is hanging in abeyance. People in businesses do not know what level of relocation assistance will be available, whether it will be available. Precious construction days are slipping by.

Similarly, the livestock indemnity program is in limbo and a number of other programs are simply not being addressed. I would like to urge, I implore the leadership of Congress to promptly send to the President a clean bill so that we can provide the assistance that has been long promised and is badly needed by the victims of this flooding in the upper Midwest.

EMERGENCY RELIEF SUPPLEMENTAL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maryland [Mr. HOYER] is recognized for 5 minutes.

Mr. HOYER. Mr. Speaker, I appreciate the opportunity to address the House and particularly to respond to the gentleman from Florida [Mr. SCARBOROUGH], who spoke and who since left.

Mr. SCARBOROUGH made the point that Republicans, he said, were perceived as not liking children, not liking senior citizens, and now not liking flood victims. I do not know whether that is the case. Maybe that is his feeling and his concern. He also observed that both sides of the House have added things to emergency relief bills in the past and cited a New York Times article, which I have not read but which I know to be true.

That is the case. There is always the time when a bill that should pass and most of us believe must pass and be signed, in this case the belief for those who have been ravaged by rains and flood and who are at risk and what this Nation wants to help. Everybody believes this bill ought to pass and it ought to pass quickly.

But lest my colleagues or anybody else be confused that this is the regular course of business, let me reflect a little bit on history. It took just 15 days to provide the assistance that President Bush asked this Congress to give for the victims of Hurricane Andrew. We are now in the 83rd day.

It was not that President Bush and the Congress, then led by Democrats, controlled by Democrats, agreed on everything. That was not the case. But what President Bush and the Democratic Congress did agree on was that it was our responsibility to pass that emergency relief in a timely fashion, 15 days, as opposed to the 83 days that this bill has languished in this Congress.

And why does this bill languish? Why does a bill that everybody said should pass and must pass not pass? It is, Mr. Speaker, because the leadership of this House and the leadership of the Senate has determined that they want to stare down the President, that they want to muscle the President, that they want to leverage the President, and they have taken hostage the victims of the floods of these past months in order to accomplish that objective.

My colleagues have heard the issues discussed. There are two principal ones. One is called a continuing resolution and it is put forth by the Republicans in this House and in the Senate as an effort to prevent government shutdown.

Mr. Speaker, I represent 56,000 Federal employees. I am for preventing government shutdown. In point of fact, it was in the last Congress for the first time since I have been serving since 1981 that we consciously and purposefully shut down the Government.

The Republican leadership said in April of 1995 they were going to do that. They reiterated that in July of 1995. And sure enough, on November 19, 1995, they shut down the Government, looked the President in the eye, and said, if you do not do it my way, we will do it no way.

That is not what the people sent us here to do. They sent us here to work together. The fact of the matter is that when we did work together, we passed appropriation bills and we opened the Government after 2 long shutdowns consciously planned by the Republican majority to force the President to do something that he said he was not going to do. That never happened when the Republicans were in control in the 1980s and the first 2 years of the 1990s and Democrats controlled this Congress.

Were there differences? Yes. Did the Democrats try to get advantage on the Republican President? Yes. But did there come a time when they said that they would not move, that they would be immovable in the face of presidential opposition? The answer is no.

When President Clinton asked for relief for the Midwest floods just in the last Congress, it just took us 29 days, less than one half of the time that this bill has languished in this House and in the Senate. The other issue that the Republicans talk about as being a must add to the emergency relief for flood victims is this sampling issue. It is all about politics, because Republicans have been quoted as saying, "If we allow sampling and the count that will result, we will find poor people, we will find minorities, and we are afraid that they will vote for Democrats and that will be to our political disadvantage."

So the Speaker of the House, who two years ago said that he thought sampling made sense and ought to be pursued has changed his position. And who suffers? The victims of the rain and the floods are held hostage as this political dispute is engaged.

Mr. Speaker, a number of us have risen on this floor tonight, a number of us are rising throughout this city and talking to the press, talking to the public, and talking, yes, to our colleagues. We have a budget agreement. We sat down and for 5 months worked out a very tough problem. I supported it. That is the proper process, not to hold hostage, either Government employees or flood victims or some other group and say, we will hold their relief

in abeyance if they do not agree with us.

Yes, Mr. Speaker, we urge the leadership of this House and the Senate to bring to this floor a clean, continuing resolution, relief for flood victims, support for our troops in Bosnia and around the world. Pass that, the President will sign it. We can pass it by 12 noon tomorrow and the President will sign it by tomorrow afternoon. That is what we ought to do. Let us be about the business of giving relief to the victims of these floods.

REPUBLICANS PLAY POLITICS WITH DISASTER RELIEF BILL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey [Mr. ROTHMAN] is recognized for 5 minutes.

Mr. ROTHMAN. Mr. Speaker, what would my colleagues think of someone who stood by watching while a neighbor's house was burning down? What if that person refused to call the fire department for help unless he or she got something in return? We would not think much of that person.

□ 2130

Yet that is exactly what the Republican majority in Congress is doing with the flood victims in North Dakota as well as the victims in 35 other States.

The President of the United States and many of us in Congress have been trying to pass a $5.5 billion disaster relief bill for these families. But the Republican majority, much like they did with the government shutdown last year, is putting extremist ideology and partisan political maneuvering ahead of the relief for these needy people. Instead of giving these families the needed relief that they so very much deserve, they are holding the disaster relief bill hostage by trying to attach highly partisan legislative riders that have nothing to do with disaster relief. They know that these highly partisan extremist Republican riders would never pass the Congress if voted on separately. So what did they do? In very cynical judgment, the Republican leadership decided to tack these partisan riders onto a disaster relief bill, saying in their own political calculus, well, maybe we will embarrass the President of the United States into vetoing this, or maybe he will be so embarrassed he will not veto it and then we will get these partisan goodies for us, the Republican party.

They underestimated President Clinton who said loudly and clearly that he would not be put in the position of having the Republican majority hold these victims hostage and let them get away with it. The Republican majority would have to put forth a clean disaster relief bill. Otherwise, he would not sign it. If they want a debate on these other partisan issues, fine, let us debate them in the Congress. If they are right, we will pass them. If they deserve support, we will support them.

Last week, the Republican Senate majority leader is reported to have said that he would happily provide more trailers for these disaster victims to stay in while they, the Republicans, try to wear down the President to get their legislative goodies. If such reports are true and those remarks were in fact uttered, they are morally reprehensible. Such a position is unfair to these needy American families. Thousands of American citizens are homeless. They just lost all of their worldly possessions and are sleeping in shelters. They await Federal disaster relief funds to finance the rebuilding of their homes and their cities and helping each other in times of need. Is that not the essence of what it means to be an American, being part of the American community?

If the Republicans really believe that their highly partisan political riders are worthy of support, they should remove them from the disaster relief bill and have the Congress take them up separately once the disaster bill, the clean disaster relief bill, has been passed by the House tomorrow. Then we will take up whatever riders they want.

I urge my colleagues and my friends on the other side of the aisle to tell their leadership, the leadership of the Republican party, to stop playing politics with the lives of these thousands and thousands of disaster victims. Put forth a clean disaster relief bill. We will pass it in Congress. Our President will sign it. And let us help these people. Then we will take up your political stuff.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. BOB SCHAFFER of Colorado). The Chair must remind all Members that under the rules and precedents of the House, it is not in order to cast reflections on the Senate or its Members individually or collectively.

NAFTA IS A FAILURE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentleman from Illinois [Mr. LIPINSKI] is recognized for 60 minutes as the designee of the minority leader.

Mr. LIPINSKI. Mr. Speaker, I come to the floor tonight deeply concerned, deeply concerned about our failed trade policies, deeply concerned about the plight of American workers, deeply concerned about the future of America.

Four years ago in this Chamber we had a long, long debate on NAFTA. NAFTA proponents pushed hard for its passage. They promised that NAFTA would create 200,000 American jobs. They warned that NAFTA was critical to the American economy and that American jobs depended on its passage.

After 40 months under NAFTA, we can clearly see that the reality is vastly different. The reality is that NAFTA worsened our trade balance with Mexico and Canada. Since NAFTA went into effect, our $10 billion deficit with Canada turned into a larger $23 billion deficit. Our $1.7 billion surplus with Mexico slid into a $16 billion deficit. Our growing trade deficits with Mexico and Canada mean that we are buying more than we are selling. It means that American jobs are being lost.

The reality is that 90 percent of the companies that promised to create jobs have not. Allied Signal, General Electric, Johnson and Johnson, Mattel, Procter & Gamble, Zenith and Exxon. The list goes on and on and on. They promised NAFTA would create American jobs. In a sense, they signed a promissory note to all the working men and women of America. The note was a promise that working Americans would be better off with NAFTA.

It is obvious today that these multinational corporations have defaulted on this promissory note. NAFTA is a complete and utter failure for working Americans.

Four years ago, in 1993, we all heard the mantra of 200,000 jobs over and over again. Guess what? It is now 1997 and we have lost an estimated 400,000 jobs. This is a net loss. It is a staggering sum. Bear in mind that this is not just another number. There are real people behind the statistics, real people with real families and real problems.

In their blind devotion to free trade, NAFTA proponents lost all contact with reality, and in so doing sacrificed 400,000 American jobs at the altar of free trade.

Some folks want to expand NAFTA to Chile and other Latin American nations. I am absolutely shocked. Can they not see what they have already done? It is plain to see that NAFTA has failed. Yet these blind free trade advocates want to extend it to other nations. How many more American jobs do we have to lose before these people come to their senses? NAFTA is a broken trade agreement. It is an agreement that just does not work.

If we continue to use this framework for future relationships with Chile and other Latin American countries, it will make a lousy situation even worse. The working men and women of America have suffered enough.

Mr. Speaker, I am thinking today of the working men and women of America, men and women who are proud to give a fair day's work for a fair day's pay, men and women who work hard to put food on the table and clothes on the backs of their children, men and women who struggle to make their

mortgage payments, men and women who work longer hours for less. I am thinking today of the people who make up America. I am talking about Main Street, not Wall Street. I am talking about people who care about Medicare, Social Security, crime and education, not leveraged buyouts, not corporate takeovers, and not stock splits.

I am talking about people who put in a full day's work, attend PTA meetings, go to church, work a second job, and still see their family incomes fall, while CEOs sit in their boardrooms and watch stock quotes with the knowledge that they will get their raises anyway.

I grow tired of hearing empty promises, lofty oratory and abstract economic theory. I want to see results. I want to see the jobs they promised us. Instead, I see the 400,000 American jobs that were lost. Instead, I see a trade surplus slide into a huge trade deficit. Instead, I see broken promises.

Unfortunately, for us the bottom line is that these huge multinational corporations focus only on the accountants' bottom line. To them American workers are an afterthought. I see a mentality where gold is God today, and that deeply concerns me.

Mr. Speaker, when I graduated from high school in 1956, the world was a much different place. Thanks to the policies of FDR and the efforts of the organized labor movement, there was a burgeoning middle class in America. The New Deal especially brought a higher standard of living to American working men and women. Jobs were plentiful, workers were treated well and people were happy and optimistic about the future. The American dream was alive and well.

Nowadays the average American worker changes jobs several times during the course of a lifetime. Jobs are scarce and people are insecure about the future. Pessimism and cynicism rule the day. Things have really changed in the last 4 decades. Where has the American dream gone?

I understand that the world has evolved. It is a world economy now, and we cannot shy away from that. But we must make the world market our market. We must make it work for all Americans, not just the multinational corporations who care only about the bottom line. We must make it work for the plumber in Chicago, the fisherman in Maine, the assembly worker in Detroit and the taxicab driver in D.C.

Let us rebuild the American dream for working men and women. Let us begin by establishing free and fair trade relationships with foreign nations and ensure they play by the same rules as we do, rules that cover labor, environmental and human rights issues that must be included in core trade agreements, not as an afterthought.

We must treat these issues as importantly as businesses treat intellectual property rights and rule of law. We must level the playing field and get away from the "gold is God" mentality that some folks cling to so fervently.

Let us put people before profit. What happens to the American middle class happens to America. Let us do all we can to make sure that the working men and women of this country can live out the American dream.

As I mentioned earlier, there are proposals now to expand NAFTA to other countries, such as Chile. To do that, they will need Congress to grant the administration the authority to negotiate trade agreements and submit them to Congress under expedited procedures for an up-or-down vote.

Article 1, section 8 of our Constitution vests Congress with an extremely important responsibility, and that is the responsibility to regulate commerce with foreign nations. It is our responsibility to the American people as well as to the people of the world to enter into fair, responsible trade agreements that respect labor, the environment and human rights.

Proponents of free trade argue that placing such restrictions on trade is counterproductive. The rallying cry of laissez faire economists may be tempting to the ignorant and the blind, but not to those who remember and understand our history.

Let us not forget the numerous social upheavals, economic crashes and depressions that the U.S. has experienced. Let us not forget the lessons learned through those times that government regulation has played a vital and necessary role in the free market. Do we so quickly forget that it was because of government intervention that the social abuses of the late 19th and early 20th century were ended, child labor, sweatshops, substarvation labor wages, widespread pollution and atrocious working conditions?

□ 2145

Thanks to the government and labor unions, we were able to stamp these abuses out.

Some folks have been misled into thinking that government regulations must be bad. History is supposed to provide us with valuable lessons. How quickly some forget.

Mr. Speaker, NAFTA is a failure. It failed because it put profits before people, multinational corporations before families. It failed because NAFTA does not adequately address industrial relations, the right to strike, the right to organize and the right to freely associate. It is clear that Mexican workers do not enjoy the same level of labor rights as we do here in America.

To make a bad situation worse, their wages are essentially capped under an agreement known as el pacto, and a large number of owners also privately set minimum and maximum wages so that they do not compete for workers on this basis.

All of these factors combine to create a downward pressure on wages in Mexico. Since NAFTA began, the wages and living conditions of Mexican workers have not improved. In fact, the exact opposite has occurred. They have declined. The percentage of Mexicans considered extremely poor rose from 31 percent in 1993 to 50 percent in 1996. Real manufacturing wages have declined 25 percent since NAFTA went into effect. Environmental conditions have deteriorated. Instead of moving into the 21st century, they are sliding back to the dark ages.

The unfortunate end result of all this is that Mexican workers are viewed simply as a source of cheap labor by multinational corporations, which creates a serious problem for us in America. With a large pool of cheap labor a short distance away, multinational corporations have a great deal of freedom and incentive to move manufacturing facilities to Mexico, and fewer environmental regulations there means even more money saved. Moving production to Mexico results in low overhead which means higher profits for corporations.

Here is a case in point. During the NAFTA debate in 1993, Zenith Electronics Corp. denied the report that they would transfer all of their production facilities to Mexico as a result of NAFTA. On the contrary, Zenith said NAFTA offers the prospect of more jobs at the company's Melrose Park, IL facility. Needless to say, Zenith announced late last year that it was laying off 800 of its 3,000 workers at the Melrose Park facility.

Not only are companies moving their facilities to Mexico, leaving hundreds of thousands of hard-working Americans in their wake, it is now commonplace for them to use it as a threat. They use it as a scare tactic in order to undermine the efforts of workers to improve their wages, benefits and working conditions through collective bargaining.

A recent Cornell University study found that a significant number of companies threatened to move work to Mexico as part of their efforts to intimidate workers who want to unionize. I find it morally reprehensible to resort to such tactics. It undermines the legal right of American workers who want to form unions. It undermines the basic right of American workers who want to provide a better living for themselves and their families.

Proponents of NAFTA touted it as a win, win, win situation. It sure has been a win, win, win situation. It is a win for big business in Mexico, it is a win for big business in America, it is a win for big business in Canada. It is the working families who lose.

Mr. Speaker, this is an important and complex issue. As the world economy becomes increasingly interwoven

and trade continues to grow as an important part of our national economy, we must ensure that we enter into trade agreements that are fair and equitable to the American worker. We must evaluate trade relationships from this perspective. As such, we have got to take a long hard look at NAFTA and what it has done to the working men and women of America. We must think about granting fast track authority to the administration and what it will mean for the American middle class. We should closely examine the arguments for the expansion of NAFTA to Chile and other Latin American nations.

As the gentleman from Michigan, DAVID BONIOR, noted, there are more people in this Congress who voted against NAFTA 4 years ago than voted for it, and many of those who voted for it say they would never vote for it again. The evidence against NAFTA is growing, and it is becoming just too hard for folks to ignore.

Mr. Speaker, I would now like to yield to the gentleman from Vermont [Mr. SANDERS] who is going to engage me in a colloquy about NAFTA trade and numerous other issues that affect the American working man and woman. Mr. SANDERS.

Mr. SANDERS. Mr. Speaker, I applaud the gentleman's remarks, and I especially congratulate him for focusing his thoughts on what is happening to ordinary working people rather than just the very wealthy and the very powerful.

One of the aspects of modern life which concerns me very much is that when we turn on the television or we read the newspapers, as you well know we hear about the booming economy; do we not? We hear about how some Wall Street folks tell us that the economy has literally never been better in our lifetimes, and they wonder just how long it will continue to be so good.

And then I go back to the State of Vermont, and I talk to working people from one end of the State to the other, and I say to them tell me about the booming economy. And what they say is, BERNIE, I am working two jobs or three jobs, and my wife is out working long hours just to pay the bills. So we do not have too much time to consider the booming economy. We are just working hard to keep our heads above water.

And the reality is, according to the official statistics, that in the midst of all of this great boom, what is going on for the average working person? Well, I do not hear this too much. Yes, we know recently, we read recently, that the CEO's of major corporations are now earning over 200 times what their workers are making, so we can see for the CEO's, the chief executive officers of major corporations, things are booming. That is true.

And we also read recently that compensation for the CEO's last year was 54 percent higher than the previous year. We concede that too. If you are a CEO of a major corporation, I guess the economy is booming.

But when you read through the fine print, you find that for the average American worker last year, wages went up on average by about 3.8 percent. Inflation is about 3 percent. And we know that low-wage workers got a bit of a boost because we raised the minimum wage a little bit. We know that the higher income workers generally do better than the middle-class workers.

So you add it all together, and what you discover is that in the midst of this great boom the standard of living of the average middle-class worker continues to decline, and if the standard of living of working-class people declines today in the midst of a boom, I wonder very much what will happen when our boom ends, as it is sure to end.

I am also concerned that in the midst of all of this so-called boom, the United States continues to have, by far, not even close, the most unfair distribution of wealth and income in the industrialized world. We do not talk about that too much; we do not see this too much on the corporate media's television stations or in the newspapers, but the facts are pretty clear. The wealthiest 1 percent of the population now owns over 40 percent of the wealth of America, and the richest 1 percent owns more wealth than the bottom 90 percent, and we have the greatest gap between the rich and poor of any other country in the industrialized world.

What kind of boom is that? We know that during the last 20 years, while we have seen a significant increase in millionaires and billionaires, 80 percent of all American families have seen either a decline in their net income or, at best, economic stagnation. In fact, adjusted for inflation, the average pay of four-fifths of American workers plummeted 16 percent in 20 years. Twenty years ago in the United States of America, as you well know, the United States led the world in terms of the wages and benefits we provided our workers. We were number one. And now in the midst of the great boom, we are down to 13th place.

In Germany, for example, manufacturing workers there earn over 25 percent of what manufacturing workers in the United States earn. In 1973 the average American worker earned $445 a week. Twenty years later, with inflation adjusted dollars, that same worker was making $373 a week. People today are working far longer hours than they have to, than they were 20 years ago. So you are seeing people working two jobs, three jobs, over time, women who would prefer to be home with their kids being forced to work in order to pay the bills.

Where is the boom for the middle class or the working class of this country? It is not there. And one of the reasons, as you so aptly pointed out in your remarks, is the disastrous and failing trade policy which this country is currently experiencing. And in my opinion it is not just NAFTA, it is GATT, it is Most Favored Nation status with China, it is the huge trade deficit that we have.

And as I think you indicated, the issue is not too complicated. If an American company is forced to choose between paying an American worker a living wage of $10 or $15 an hour providing decent benefits, having to protect the environment, or run to Mexico where you can get a good worker there for 70 or 80 cents an hour, you do not have to worry about the environment, you do not have to worry about unions, what choice is that employer going to make? And the evidence is pretty clear, the choice that that employer made, which is why we have lost hundreds of thousands of jobs.

So I would just say as we begin our discussion here, I know in my State of Vermont, and I suspect throughout the country, there may be a boom, but it certainly is not applying to the middle class or the working families of my State.

Mr. LIPINSKI. I appreciate the gentleman's remarks, and I want to say that we do not necessarily agree with everything that this man had to say, but for me one of the highlights of the last presidential election was when Pat Buchanan was running, and he was running on the issue of insecurity, the economic insecurity of the American middle class, the American working class. He spoke about it a great deal, he articulated it very well, and he forced President Clinton and Senator Dole to talk about it also. And I think they got wide dissemination; a lot of the media picked up on it. Unfortunately, when he went out of the race, President Clinton stopped talking about it, Senator Dole stopped talking about it, and the issue has just drifted away.

And I say to you, you know, I do not understand why the issue drifted away. It is the most significant, important issue facing this Nation today.

I said that when international communism ceased to exist, the Cold War was over and we were in an economic war. And by that, I meant a war to improve the standard of living of the American working and middle class, and to me, I believe we are losing that war, we are losing it more each and every day, each and every week, each and every month, and no one in this Nation, other than a very few voices, seem to have anything to say about it.

What is your opinion on that?

Mr. SANDERS. I think you raise a very, very important point, and I tell you that it is a very—the theme that you are talking about suggests to me very frightening and dangerous times, and this is why.

The average worker reads in the paper that the economy is booming; right? That things are going well? And he says to himself or herself: What is the matter with me? Everybody must be doing well except me. My wages have gone down, I do not have health care, I cannot afford to send my kids to college, I am working longer hours, and I do not see it on the paper. So it must be me; right? I must be the only person in America who is suffering economically.

And as you indicate, of course, it is the vast majority of the people who are hurting.

Now you raised the question: Why is it not talked about?

□ 2200

Well, let me offer the gentleman a suggestion on another issue equally important that we also do not discuss. Where do we get our information from?

Mr. LIPINSKI. From the news media.

Mr. SANDERS. Yes, we turn on the television. Let us look at that for a moment. Who owns NBC? Well, General Electric Corp., one of the largest corporations in America. The gentleman mentioned them, among others.

Mr. LIPINSKI. Yes, I did.

Mr. SANDERS. General Electric is one of the companies who is busy running to Mexico, I think they have been investing in China, they have laid off significant numbers of workers. They come before this body every day trying to figure out a way not to have to pay taxes, leading the efforts against organized labor.

Well, great shock of all shocks. NBC does not have a feature on the decline of the middle class. They do not talk about it too much. O.J. Simpson, we can get thousands of hours. Every airplane crash that ever happened, we can see the great visuals. But the fact that the average American worker has seen a decline in their standard of living, struggling just to keep their heads above water, somehow that story, gee, they just did not get it.

Well, what about ABC? We flip the dial and maybe ABC will give us the story. But who owns ABC? Why, that is the Disney Co. The Disney Co. is busy running to China, they are in Haiti, they are paying people in those countries pennies an hour to produce products that come back into America. I do not recall seeing too many features on their station about the trade issue, or about the exploitation of Haitian or Chinese workers. I do not recall that.

Maybe we will go to CBS, we will get a better story. Well, I guess not. That station is owned by Westinghouse, or maybe we will go to the Fox network that is owned by that strong, progressive Rupert Murdoch worth many billions of dollars. No, I do not think we will see it there either.

So I would argue that one of the reasons that the American people are not seeing the pain of their lives being reflected in the media is that the media is owned by very large multinational corporations, many of whom are taking our jobs to Mexico and China, and the media would rather, what is the word, obfuscate, perhaps, rather give us a lot of entertainment and game shows and soap operas rather than discuss with the American people the important issues, and that would be one reflection I would have on the gentleman's question.

Mr. LIPINSKI. Mr. Speaker, that certainly is a very interesting reflection. I will have to take that under consideration and I will certainly do that, and perhaps I will come to the same conclusion that the gentleman has come to.

But I want to say that I admire the fact that the my colleague the gentleman from Vermont [Mr. SANDERS] and the gentleman from Michigan [Mr. BONIOR] and the gentleman from Oregon [Mr. DEFAZIO] and the gentlewoman from Ohio [Ms. KAPTUR] and the gentleman from New York [Mr. OWENS] and a number of other people come down here on Tuesday night and try to get this message out to the American people. I think it is a wonderful effort and I applaud my colleagues for it. I am very happy to participate with the gentleman from Vermont [Mr. SANDERS] tonight in that effort.

But I have to say to the gentleman in all candor, we need to get a much bigger microphone. We have to have these conversations amplified significantly, I believe, in order to have any real impact on this Nation. I believe that we have to find ourselves a presidential candidate who is willing to articulate the issue about economic insecurity in this Nation, because I do not think there is any other way we can once again get this issue back to the front burner, make the American people aware of the fact that we know what their problem is.

There are some people willing to jump into this battle and try to aid and assist them, but I think the only way we get them motivated, mobilized, is by having someone running for President in this Nation who is going to articulate that issue.

I ask the gentleman his opinion on that.

Mr. SANDERS. Mr. Speaker, I think that would be of enormous importance, and I think as the gentleman knows, I am an Independent.

Mr. LIPINSKI. And I am not asking the gentleman to support anyone here tonight.

Mr. SANDERS. Mr. Speaker, one of the reasons that I am an Independent is that I feel that to a large degree, both political parties are dominated by big money interests and it would be very hard for that candidate who is prepared to stand up to the large multinational corporations who have so much influence over our economy and over the politics of what goes on, it is no great secret.

I mean as the gentleman well knows, we hear a whole lot of discussion about the influence of big labor on the political process, the gentleman is aware that corporate America puts in seven times more money than labor does.

Mr. LIPINSKI. Absolutely.

Mr. SANDERS. Mr. Speaker, the gentleman is aware that when we talk about NAFTA or MFN with China that there is a massive lobbying effort going on by corporate America trying to influence the Members of this body. They will put ads in newspapers throughout this country telling everybody how good these trade policies are. Whether or not the two-party system can give birth to a candidate who is prepared to take on these moneyed interests I frankly have my doubts.

But one of the things that does concern me is that what does go on here in this body is, instead of addressing the real issue of the fact that in many ways this Nation is becoming an oligarchy dominated by a relatively few large corporations and wealthy individuals, instead of recognizing that reality and trying to deal with it and develop policies which address that problem, what we see is a lot of scapegoating. What we see is black being played off against white, native versus immigrant, gay versus straight, everybody against everybody, rather than figuring out how we can come together as a people to try to address the difficult problems that the gentleman articulated about the global economy, can we create, with all of this new technology, every day we hear about the information highway, right, how important the computers are.

Well, if all of that stuff is so valuable, as I expect that it is, why are we not seeing increased wealth going to the middle class and the working class? Why are we not seeing people working fewer hours rather than longer hours? Why are we not seeing more people covered by health insurance rather than fewer? Why do we have by far the highest rate of childhood poverty in the industrialized world? Why are we in the process right now, as some would have us, cutting Medicare by $115 billion, lowering the quality of health care for our senior citizens?

So the issue becomes how do we come together as a people, black and white, immigrant and native born, woman and men, gay and straight, all of us come together and say how do we create decent jobs for our people rather than seeing jobs going to China where workers are being paid 20 cents an hour? How do we use technology to lower the workweek rather than to put American workers out of their jobs?

We are not doing that. We are not addressing that. I think the reason is that we need to begin to come up with

some of the answers to those questions by challenging big money interests and to a large degree, and my feeling is in this body it is almost an issue people feel uncomfortable talking about. We are just not allowed to talk about the power of the wealthy.

Mr. LIPINSKI. Mr. Speaker, that seems to be the case. A lot of people are very uncomfortable talking about it. I am a capitalist. I believe in the free market system. But I also believe that an economy should be run for the benefit of the overwhelming majority of the members of that society, and that really should be the principle that guides us in all the legislation we put forth here, in the other body, in legislation that the President signs into law. Do what is best for the overwhelming majority of the American citizens economically and in every other way.

It may sound very simplistic, and perhaps it really is. But that is the way the country should be governed; that is the way the legislation should come forward. Unfortunately, the longer I am here, the less and less I believe that is happening.

So I would say to the gentleman, I would like the gentleman to conclude if you have any concluding remarks. I am finished for the evening. I hope to be back next Tuesday, but does the gentleman have anything to say in conclusion?

Mr. SANDERS. Mr. Speaker, I would just certainly agree with the gentleman that clearly the task of Congress is to represent the vast majority of the people and not just the very few who are wealthy and powerful. But I think that that is very often not the case.

Let me just point out one example of that in terms of tax policy. In fact, we are debating that right now in terms of the budget that was recently proposed by the gentleman from Texas [Mr. ARCHER], which would give huge tax breaks to the wealthy while at the same time we would cut back on Medicare, certain Medicaid programs and very significantly, by the way, on veterans' programs.

In terms of tax policy what has gone on in this country people should know that from 1977 to 1990, the Social Security tax was raised nine times, and today, people are paying, if one is self-employed, one is paying 15 percent before one pays any income tax and a FICA tax. And yet during that same period, while taxes on working people through the FICA tax went way up, taxes for the wealthy and the large corporations went way down, and the Federal Government ended up collecting significantly less money, which helped cause us the deficit problem that we are trying to address right now.

I would just conclude by saying that the gentleman is absolutely right in suggesting what I think the vast majority of the people would agree with at a moment's notice, and that is the function of this institution is to represent the overwhelming majority of our people who are not wealthy, who work hard, who are struggling to keep their heads above water.

Unfortunately, that is not the case now. The people have the money, have enormous power and enormous influence over this institution. What I would hope is that in the towns and cities all over this country, people begin, must begin to get involved in the political process, must study the issues. What is our trade policy? Is it working? Is it not working? Why is it that we have such an unfair distribution of wealth? What about our tax system? Does it favor the corporations and the wealthy, or the middle class and working families?

I would hope that ordinary people begin to study the issues, get involved in the issues, and play a much more active role in the political process, because God only knows, we certainly need their strength and their energy in order to influence what goes on here.

I thank the gentleman very much for allowing me to join him in this special order.

Mr. LIPINSKI. Mr. Speaker, I appreciate the gentleman joining me tonight.

AMERICAN HERITAGE RIVERS INITIATIVE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, the gentlewoman from Idaho [Mrs. CHENOWETH] is recognized for 60 minutes as the designee of the majority leader.

Mrs. CHENOWETH. Mr. Speaker, I am here tonight to talk about the White House and its Council on Environmental Quality's latest flight from democracy, embodied in the so-called American heritage rivers initiative.

Mr. Speaker, there are many, many things that are wrong with the American heritage rivers initiative. But tonight I would like to focus on just three of those things. Its procedure, States' rights and water rights, and the separation of powers.

The initiative purports to establish a mechanism by which President Clinton will designate as American heritage rivers 10 rivers per year. It establishes undefined, fictional governing entities known as water communities. These governing water communities will then determine the scope and the size of the designation area, which can include the entire watershed. There are no safeguards for a D designation and no safeguards for private property owners within the area who object to this inclusion in the designation.

I will discuss this in detail later, but first, just before Memorial Day district work period, the Council on Environmental Quality, an unauthorized agency existing on misappropriated funds, I might add, published the American heritage rivers initiative in the Federal Register. It is in the May 19, 1997 volume, page 27253, and I urge my colleagues to read it.

Although CEQ has in the past been the primary overseer of the National Environmental Policy Act process, in this instance CEQ appears to have totally abandoned NEPA's threshold requirements. As the administration knows very well, an environmental impact statement, an EIS, is required any time a major Federal action significantly affecting the quality of the human environment is contemplated. When CEQ proposes to control our Nation's waters, this, Mr. Speaker, is a significant action. Yet, to my knowledge, CEQ has not even bothered to address NEPA's threshold question.

Where is the environmental assessment? How about an EIS, or, at the very least, the very barest recognition under NEPA of finding of no significant impact?

□ 2215

But nothing from the administration. Mr. Speaker, what CEQ has given us is a mere 3-week public comment period, the May 19 date of publication to the June 9 closing of the public comment, with no NEPA documentation.

The Administrative Procedures Act, the APA, applicable to any agency action, requires a minimum of 30 days' public comment period. In general, unless there is an emergency, NEPA's environmental impact statement requires a 90-day public comment period. Yet, here CEQ blatantly violates its own rules and the rules and requirements of the Administrative Procedures Act and offers a mere 3-week comment period.

I am not aware of an emergency. Why the rush? This violates the Administrative Procedures Act and totally ignores the National Environmental Policy Act. Fortunately, Mr. Speaker, the gentleman from Alaska [Mr. DON YOUNG] of the Committee on Resources and the gentleman from Oregon [Mr. BOB SMITH] of the Committee on Agriculture, along with myself and other resources subcommittee chairmen, sent a letter to Katy McGinty strongly advising CEQ to extend the comment period to at least another 90 days. She would have been wise to follow our advice. I entered that letter into the RECORD here on Wednesday, June 4.

Additionally, I am aware of no fewer than 35 other Members making similar extension requests of CEQ. It would certainly be in the best interests of everyone involved in CEQ if that agency would extend the public comment period, and I urge them to do so.

Mr. Speaker, CEQ's comment period closed today. Today I have yet to hear if its counsel has decided to extend its comment period to even the legally required minimum. I read a news account

of how baffled CEQ is by the concerns we have raised. Perhaps if the comment period were extended, enlightenment might follow.

The chairman of the Committee on Resources, the gentleman from Alaska [Mr. DON YOUNG] has also called an oversight hearing for June 26, 1997 in our committee. I have at least a glimmer of hope that we will then have some of our questions answered, but I will not hold my breath.

The last procedural point I would like to point out, Mr. Speaker, is that CEQ has responded to some of these concerns by claiming that the American Heritage Rivers Initiative is not a program, but some other hybrid that does not require a rule. Indeed, CEQ officials have stated that this initiative did not even require a publication in the Federal Register, and to this I say, wrong, absolutely wrong.

Procedurally, I would like to point out that the law, the United States Code that even CEQ is bound by, defines a rule as the whole or part of an agency statement of general or particular applicability and future effect designed to implement, interpret, or prescribe law or policy or describing the organization, procedure, or practice requirements of an agency.

Mr. Speaker, despite CEQ's claims, this so-called initiative is indeed an agency statement of general applicability and future effect designed to implement and describe the organization procedure and practice of an agency. As they say, Mr. Speaker, if it walks like a duck, if it talks like a duck, and swims like a duck, then it must be a duck.

Mr. Speaker, the American Heritage Rivers Initiative is indeed a duck. It is, without a doubt, a rule within the meaning of 5 U.S.C. section 551(4), and is therefore an agency action subject to the procedural requirements under the Administrative Procedures Act; also, under the National Environmental Protection Act. Again, where is the NEPA documentation? Where is the adequate public comment?

Last, the newly enacted congressional review of Agency Rulemaking Act, 5 U.S.C. section 801, et al., requires that the Federal agency promulgating such a rule shall submit to each House of the Congress and to the Comptroller General a report.

To my knowledge, this has not been done. Why? Because CEQ claims that it is not a rule. Again, Mr. Speaker, if it walks like a duck. Procedurally, Mr. Speaker, this proposed American Heritage Rivers Initiative is a disaster, procedurally.

The next issue I would like to discuss is the issue of States' rights and water rights. This necessarily implicates private property.

Mr. Speaker, as I said last Wednesday, one of the reasons for America's strength and meteoric rise is because of the wise use of her rivers and waterways for irrigation, travel, recreation, power, flood control, and all other uses. Through the wise use and allocation of water, America has literally turned our deserts into gardens and a once inhospitable land into wonderful places to live and to recreate. In my State of Idaho, water is the absolute lifeblood of this State. We have more than 15,000 farmers and more than 3 million irrigated acres. That is larger than the sum total of many of the States. Nearly 40,000 individuals are employed in one way or another by agriculture.

Mr. Speaker, many people do not know this, but Idaho has a seaport. The Port of Lewiston and its two adjacent ports via the Snake and Columbia Rivers export 40 percent of America's grain exports to Asia. This is water barge transportation. Yes, Mr. Speaker, water is very important to the State of Idaho and to the Nation.

Mr. Speaker, Idaho's waters or waterways and reclamation projects help make Idaho the gem State. Water is in fact so important that the Idaho Constitution, as approved by Congress when Idaho entered the Union, expressly states that, "The use of all waters is subject to the regulations and control of the State."

Additionally, Idaho code, section 42–101, states:

> All the waters of the State, when flowing in their natural channels, including the waters of all natural springs and lakes within the boundaries of the State, are declared to be the property of the State, whose duty it shall be to supervise their appropriation and allotment to those diverting the same therefrom for any beneficial purpose.

Clearly, water within the boundaries of the State of Idaho are, unless privately owned, property of the State of Idaho. How, then, can the Clinton administration designate something that is not the Federal Government's to designate? This is an assault on private property rights, States' rights, America's values, and certainly our Western values.

Quite simply, this initiative will simply replace the long-established and constitutionally protected policies that govern the use of our waterways which are critical to our economic survival, not only in the West but to the entire Nation. That is why, for the past century, the Supreme Court has held in case after case that in the West it is the States who control the use of water.

As I did Wednesday, let me quote from one of the seminal U.S. Supreme Court cases on this issue, the 1978 case entitled "California v. United States," written by Justice Rehnquist.

The Justice writes:

> The history of the relationship between the Federal Government and the States in the reclamation of the arid lands of the Western States is both long and involved, But through it runs the consistent thread of purposeful and continued deference to State water law by the Congress. Indeed, to take from the legislatures of the various States and territories the control of water at the present time would be something less than suicidal. If the appropriation and use were not under the provisions of State law, the utmost confusion would prevail.

Mr. Speaker, this United American Heritage Rivers Initiative would create utmost confusion. How can the Clinton administration assert control over something that it clearly does not own, and so important to our State?

To make matters worse, this initiative is not just limited to the rivers. It redefines communities, watersheds, and jurisdictional boundaries. It creates a governing entity called the river community, but what is a river community, Mr. Speaker? Who belongs to a river community? Do not believe for a minute that a river community will be made up only of people who make their living from and are dependent on our rivers.

Mr. Speaker, this fictional entity, the river community, will then define the area covered by the American Heritage River designation. They decide the length of the area, whether it be an entire watershed, the length of an entire river, or a short stretch of a river, and may cross jurisdictional boundaries, including State boundaries.

Apparently when it comes to rivers, the Clinton administration believes that it takes more than a village, it takes a river community. When someone sitting in New York City can appeal land management decisions in the West, such as a timber sale and grazing allotment plans, with a mere postcard, who is it that the Clinton administration will decide is a member of the river community? What interests will the members of the river community have? Also, how will the designation be made?

Watershed, as we all know very well, Mr. Speaker, can literally be from mountaintop to mountaintop, and include vast areas. What about private property inside these watershed areas? If a private property designation is being contemplated, will the private owner be able to protect and sustain his ownership right? No, he will not. I have learned, Mr. Speaker, through my inquiries that this designation could happen even over the objections of a homeowner, a shopowner, a farmer, a rancher.

What about State and local property? Mr. Speaker, an American Heritage River designation will further dilute local control and decisionmaking. It will do nothing but add another layer of bureaucracy that must be dealt with, another hurdle to overcome when an entity, the private landowner or the State, desires to utilize the land.

CEQ has argued that the designation carries no legal meaning. I disagree. The very designation creates yet another obstacle, legal or not, and yet another tool for the use by environmental

extremists to stop the wise use of our lands. Mr. Speaker, the Supreme Court recognized the importance of water to the arid western United States. Why cannot the Clinton administration respect this supreme law of the land?

As the Supreme Court has stated in the case entitled "California v. United States" in 1978:

> The legislative history of the Reclamation Act makes it abundantly clear that Congress intended to defer to the substance as well as the form of State water law * * * to do otherwise would trivialize the broad language and purpose of the Reclamation Act.

In other words, Mr. Speaker, the utmost confusion will prevail.

The final issue I would like to talk about tonight, Mr. Speaker, is the wisdom of our Founding Fathers as embodied by the doctrine of the separation of powers. As I learned it, the legislative branch creates the laws, the executive branch is to implement and enforce the laws, and the judiciary interprets the laws.

Yet the American Heritage Rivers Initiative was created and tendered solely by the White House and executed without congressional approval. When it comes to our resources issues, the Clinton administration has once again usurped the Congress' lawmaking authority. Nowhere in law can one find the American Heritage Rivers Initiative, nor has Congress conferred to CEQ the power to govern and control our rivers and watersheds.

This raises some very, very serious issues, going beyond who and how this program is authorized. But how is it paid for?

□ 2230

Since the American Heritage Rivers initiative has never been authorized by Congress, exactly which land and water program's funds were siphoned to prepare this proposal? How does the administration intend to continue funding this unauthorized project, if it is established?

CEQ has stated that this program is merely a coordination of existing and ongoing Federal programs. Yet the American Heritage Rivers initiative assigns a so-called river navigator, a Federal official, to the river community, the governing body, to help guide it toward Presidential designation. But I challenge the CEQ to show me where it is that the Congress has authorized a river navigator. And it would be foolish to believe that these river navigators work for free. Who authorized this position? Who appropriated the funds?

My concern, Mr. Speaker, is that funds needed forward on the ground management activities such as rangecons, engineers, biologists, and foresters are being misdirected from other legitimate and authorized programs. Similar to other so-called initiatives unauthorized by Congress, like the Interior Columbia River Basin Ecosystem Management Project, which comes to mind, it costs hundreds of millions of dollars to the American taxpayers and the administration is again operating ultra vires and is misusing taxpayer dollars.

This program is a misappropriation of time, of resources and the taxpayers' money. You can be assured, Mr. Speaker, that we will be addressing each of these three issues at the June 26 Committee on Resources meeting.

CEQ has stated that if any legitimate opposition were to surface against the designation, including opposition by a Member of Congress representing the proposed area, the proposal will not go forward. Pardon me, Mr. Speaker, but if this does not give me much comfort, do not be surprised.

For the RECORD, I oppose any designation of an American Heritage River in the State of Idaho or any place in this Nation. But I call the Members' attention to President Clinton's designation of the Grand Staircase-Escalante National Monument in Utah. Despite CEQ's protestations to the opposite, not one of the members of Utah's congressional delegation nor the Governor were informed of this pending action, which set aside nearly 2 million acres in the State of Utah plus a very, very valuable coal mine.

The Resources Subcommittee on National Parks and Public Lands, of which I am a member, held a hearing in which Senators HATCH and BENNETT, Utah Governor Leavitt, Secretary Babbitt and CEQ chairman Katy McGinty testified. In the face of both Utah Senators and the Governor, Chairman McGinty stated she informed them of the impending monument designation. Both Senators and the Governor clearly and unequivocally stated that they were not informed. At best, the administration acted without consulting the leaders of the State of Utah. At worst, President Clinton acted over the unified objection of that State.

Nonetheless, whether Utah's delegation knew or not is no matter, and I tend to believe the Senators and the Governor that they had no prior knowledge.

CEQ's promises that only a community that wants these designations are empty to me. Its promises leave me with very, very little comfort. The American Heritage Rivers proposal is just one in a string of Clinton administration attacks on natural resource policies in America and most especially in the West.

This is a nation of laws. But from the Utah Monument Ecosystem Management Projects to BLM's law enforcement regulations, this administration has demonstrated an absolute lack of regard for our Nation's laws and regulations, including requirements of the environmental laws.

Mr. Speaker, the administration has blatantly ignored Congress' lawmaking authority, and the American Heritage Rivers initiative is just another example. Take, for instance, Secretary Babbitt's attempted rewrite of 43 CFR 3809 pertaining to surface mining. Secretary Babbitt has stated publicly that he did not need the Congress' help to rewrite the mining law of 1872 but that he could do it administratively.

Mr. Speaker, we cannot allow the administration to ignore this body. Without a check on the executive branch, this Nation will continue down the road to chaos. And unless Congress asserts its constitutional responsibility, it is well on its way to becoming a toothless tiger, capable only of doling out the taxpayers' hard-earned dollars to fund big bureaucracies like the CEQ. Where are we with regard to the protection of property and States rights?

As James Madison wrote in Federalist No. 47, the accumulation of all powers legislative, executive and judiciary in the same hands, whether of one, a few or many, and whether hereditary, self-appointed or elective, may justly be pronounced the very definition of tyranny.

Mr. Speaker, in the name of separation of powers, in the vein of preserving Congress' lawmaking authority and for the good of our country, we must take a stand. We must draw a line and simply say no, we will not let you do that. We must say to the administration, you must act only within your designated authority.

Mr. Speaker, we are a nation of laws. As such we must all follow them, even the White House, but most especially all of us in government.

Tonight, I, along with a number of our colleagues, am introducing H.R. 1843. This bill will prohibit any funds from being spent by the administration on the American Heritage Rivers initiative. I urge the Members to join us on the Chenoweth-Pombo disapproval of the American Heritage Rivers initiative.

In closing, Mr. Speaker, I would like to respond to some comments made by CEQ's Katy McGinty. She is quoted by the Associated Press as stating that she is bewildered and perplexed by our opposition to the American Heritage Rivers initiative. She states that it is 100 percent locally driven. It is government acting purely in partnership with local communities.

To this, Mr. Speaker, I can only say she simply does not get it. When one sees a person in her position state that it is government acting in partnership with local communities, I have grave concerns. We do not want another Federal designation. We do not want a greater Federal presence, and we do not want enhanced Federal control over our waters.

This is not what this Congress is about. The spirit of this Congress is the revitalization of the 10th amendment, the empowerment of local communities

and States, and the recognition that the Federal Government is one of limited and enumerated powers. It is not about another Washington, D.C.-created designation of our resources. It is not about yet another sphere of influence for Federal bureaucrats. And it is certainly not about a Federal Government partnership when the State and local communities are quite capable of governing themselves.

This Congress is about less government, self-determination and freedom. Freedom is still the issue. It is about States rights and property rights and the right of the people to be free of Federal entanglements. And the American Heritage Rivers initiative does not fit this bill.

Mr. Speaker, this issue is really about control, control over our rivers and watersheds. If the Federal Government wants control of the States' waters, then what is next?

If anyone thinks that this CEQ so-called initiative will be anything but a tool of the environmental extremists, they had better think again. Just today I read that an organization dedicated to tearing out the dams and transportation waterways along the Snake and Columbia Rivers have already petitioned the White House to designate the Columbia River as an American Heritage River, which would end the water-based barge transportation, affecting hundreds of thousands of jobs, communities and families in the Northwest. No, this is an issue of control of the wealth and control of our people.

What is next, Mr. Speaker? Part 2, No. 2, calls for aerial and satellite surveillance of the rivers. Well, I ask myself, will I have to wear a number on my hat, on the top of my head, so that the Federal bureaucrats in Washington, DC, using aerial photographs, can monitor when I am out skipping rocks on the river with my grandchildren? What is next?

Yes, Mr. Speaker, this issue is indeed about control of our resources, our wealth and our people. It is sad.

As I discussed earlier, water is the lifeblood of America, of the West and of my State, Idaho. But it is not just control over water that is threatened by this un-American "make our backyard every bureaucrat's business" Heritage Rivers initiative.

Nothing less than private property rights and freedom from unnecessary and harmful Federal intrusion is at stake. Farmers, ranchers, fishermen, homeowners and others who live along rivers and deeply love their rivers may find themselves with diminished rights and reduced control over their property and their activities on the river.

Mr. Speaker, these people, the ones who know the river and depend on its health and preservation, should not lose their rights because Federal bureaucrats or Eastern environmentalists want to initiate a warm and fuzzy, politically correct Federal program or another Clinton photo-op.

State sovereignty, individual freedom, protection of property rights are the ideals that have distinguished this Nation, this great Nation. We do ourselves and all American citizens a disservice if we allow power to be usurped in this fashion.

I urge my colleagues to stand up against this ill-conceived and misdirected American Heritage Rivers initiative and to cosponsor the Chenoweth-Pombo bill.

Mr. Speaker, the imposition of the Clinton-Gore extreme environmentalist policies has taken a tragic toll on the West. We are losing our culture, we are losing our heritage, and we are losing the very way of life that we love so much. My good friend Perry Pendley sums up this feeling about the West in his book, "War on the West," when he writes, and I quote:

"The environmental extremists' vision of the West is of a land nearly devoid of people and economic activity, a land devoted almost entirely to the preservation of scenery and wildlife habitat. In their vision, everything becomes a vast park through which they might drive, drinking Perrier and munching on organic chips, staying occasionally in the bed-and-breakfast operations into which the homes of westerners have been turned, with those westerners who are able to remain fluffing the duvets and pouring cappuccino. They are well on their way to achieving their objective."

Mr. Speaker, I think Perry Pendley hit the nail on the head. Many people in the United States east of the Mississippi just view the West as one big national park, and the American Heritage Rivers initiative is just one more assault in a long line of programs designed to turn the West into a playground for the East.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FLAKE (at the request of Mr. GEPHARDT) for today and the balance of the week on account of official business.

Mr. FARR of California (at the request of Mr. GEPHARDT) for today and the balance of the week on account of a death in the family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:

Mr. GEPHARDT, for 5 minutes, today.
Mr. BONIOR, for 5 minutes, today.
Mr. PALLONE, for 5 minutes, today.
Mr. OLVER, for 5 minutes, today.
Mr. STRICKLAND, for 5 minutes, today.
Ms. JACKSON-LEE of Texas, for 5 minutes, today.
Mr. SNYDER, for 5 minutes, today.
Ms. WOOLSEY, for 5 minutes, today.
Ms. KAPTUR, for 5 minutes, today.
Mr. LAMPSON, for 5 minutes, today.
Mr. EDWARDS, for 5 minutes, today.
Ms. CLAYTON, for 5 minutes, today.
Mr. HEFNER, for 5 minutes, today.
Mr. ETHERIDGE, for 5 minutes, today.
Ms. ROYBAL-ALLARD, for 5 minutes, today.
Ms. STABENOW, for 5 minutes, today.
Mr. ROTHMAN, for 5 minutes, today.
Mr. ALLEN, for 5 minutes, today.
Mr. SANDERS, for 5 minutes, today.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. PAUL, for 5 minutes, today.
Mr. JONES, for 5 minutes each day, on June 11 and 12.
Mr. PAPPAS, for 5 minutes, today.
Mr. FOX of Pennsylvania, for 5 minutes, today.
Mr. KINGSTON, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

The following Members (at the request of Mr. CAPPS) to revise and extend their remarks and include extraneous material:

Mr. BERMAN.
Mr. DAVIS of Illinois.
Mr. RANGEL.
Mr. OLVER.
Mr. FAZIO of California.
Ms. SANCHEZ.
Mr. SANDERS.
Mr. LANTOS.
Ms. ESHOO.
Mr. BOYD.
Mr. MORAN of Virginia.
Mr. FRANK of Massachussetts.
Mr. STOKES.
Mr. SABO.
Mr. MEEHAN.
Mr. KUCINICH.
Mr. PASCRELL.
Mr. SCHUMER.
Mr. RAHALL.
Mr. PAYNE.
Mr. HOYER.
Mr. TORRES.
Mr. BROWN of California.
Mr. STARK.
Mr. DINGELL.
Mr. FARR of California.
Mr. GEPHARDT.

The following Members (at the request of Mr. PAUL) to revise and extend their remarks and include extraneous material:

Mr. QUINN.
Mr. PITTS.
Mr. BURTON of Indiana.

Mr. STEARNS.
Mr. GILMAN.
Mr. COLLINS.
Mr. BONILLA.
Mr. DAVIS of Virginia.
Mr. SPENCER.
Mr. WALSH.
Mr. KNOLLENBERG.
Mr. GOODLING.
Mr. MCCOLLUM.
Mr. LEWIS of California.
Mr. DREIER.
Mr. RIGGS.
Mr. DOOLITTLE.
Mr. MCHUGH.

The following Members (at the request of Mrs. CHENOWETH) and to include extraneous matter:

Mr. SHERMAN.
Mr. ETHERIDGE.
Mr. COOKSEY.
Mr. LUCAS of Oklahoma.
Mr. WELDON of Florida.

SENATE BILL REFERRED

A Bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 610. An act to implement the obligations of the United States under the Chemical Weapons Convention; to the Committee on International Relations 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,

BILL PRESENTED TO THE PRESIDENT

Mr. Thomas, from the Committee on House Oversight reported that that committee did on the following date present to the President, for his approval, a bill of the House of the following title: On June 9, 1997: H.R. 1469. An Act making emergency supplemental appropriations for recovery from natural disasters, and for overseas peacekeeping efforts, including those in Bosnia, for the fiscal year ending September 30, 1997, and for other purposes.

ADJOURNMENT

Mrs. CHENOWETH. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 45 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 11, 1997, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3693. A letter from the Administrator, Agricultural Marketing Service, transmitting the Service's final rule—Melons Grown in South Texas; Assessment Rate [Docket No. FV97-979-1 FIR] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3694. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Imported Fire Ant; Approved Treatments [Docket No. 96-063-4] received June 5, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3695. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Revision of Standard Requirements for Clostridium Perfringens Types C and D Toxoids and Bacterin-Toxoids [Docket No. 92-090-2] received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3696. A letter from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, transmitting the Service's final rule—Viruses, Serums, Toxins, and Analogous Products; Definition of Biological Products and Guidelines [Docket No. 93-152-2] (RIN: 0579-AA65) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3697. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Bifenthrin; Pesticide Tolerances for Emergency Exemptions [OPP-300495; FRL-5719-3] (RIN: 2070-AB78) received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3698. A letter from the Chief, Natural Resources Conservation Service, transmitting the Service's "Major" final rule—Environmental Quality Incentives Program [Workplan Number 96-004] (RIN: 0578-AA19) received June 2, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

3699. A communication from the President of the United States, transmitting his requests for an FY 1997 supplemental appropriation and for FY 1998 budget amendments that will adjust his pending budget requests to be consistent with the recently negotiated Bipartisan Budget Agreement between the President and the Leadership of Congress, pursuant to 31 U.S.C. 1107; (H. Doc. No. 105—95); to the Committee on Appropriations and ordered to be printed.

3700. A letter from the Director, Office of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule—Reservists' Education: Increase in Rates Payable Under the Montgomery GI Bill—Selected Reserve (RIN: 2900-AI54) received May 23, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on National Security.

3701. A letter from the Attorney-Advisor, Federal Housing Finance Board, transmitting the Board's final rule—Community Support Requirement [Docket No. 97-39] (RIN: 3069-AA35) received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3702. A letter from the Attorney-Advisor, Federal Housing Finance Board, transmitting the Board's final rule—Technical Amendments to Definition of Deposits in Banks or Trust Companies [Docket No. 97-38] (RIN: 3069-AA63) received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Banking and Financial Services.

3703. A letter from the Assistant Secretary for Employment Standards, Department of Labor, transmitting the Department's final rule—Executive Order 12933 of October 20, 1994—"Nondisplacement of Qualified Workers Under Certain Contracts" (Employment Standards Administration, Wage and Hour Division) (RIN: 1215-AA95) received May 22, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3704. A letter from the Chairperson, National Commission on Libraries and Information Science, transmitting the twenty-fifth annual report of the activities of the Commission covering the period October 1, 1995 through September 30, 1996, pursuant to 20 U.S.C. 1504; to the Committee on Education and the Workforce.

3705. A letter from the Deputy Executive Director and Chief Operating Officer, Pension Benefit Guaranty Corporation, transmitting the Corporation's final rule—Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing Benefits [29 CFR Part 4044] Receiving June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

3706. A letter from the Secretary of Education, transmitting a draft of proposed legislation to assist states and secondary and postsecondary schools to develop, implement, and improve career preparation education so that every student has an opportunity to acquire academic and technical knowledge and skills needed for postsecondary education, further learning, and a wide range of opportunities in high-skill and high-wage careers; to the Committee on Education and the Workforce.

3707. A letter from the Secretary, Department of Health and Human Services, transmitting the Department's "Major" final rule—Substances Prohibited From Use in Animal Food or Feed; Animal Proteins Prohibited in Ruminant Feed [Docket No. 96N-0135] (RIN: 0910-AA91) received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3708. 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: Revisions to Several Chapters and Appendices of the Alabama Department of Environmental Management (ADEM) Administration Code for the Air Pollution Control Program [AL-044-1 9710a; FRL-5829-9] received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3709. 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; Ohio Ozone Maintenance Plan [OH104-2a; FRL-5840-8] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3710. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Testing and Monitoring Activities [FRL-5839-6] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3711. A letter from the Director, Office of Regulatory Management and Information, Environmental Protection Agency, transmitting the Agency's final rule—Hazardous Waste Management System; Carbamate Production, Identification and Listing of Hazardous Waste; Land Disposal Restrictions;

Authorization of State Hazardous Waste Programs; and CERCLA Hazardous Substance Designation and Reportable Quantities [EPA530-Z-97; FRL-5839-7] (RIN: 2050-AD59) received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3712. A letter from the Deputy Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Indirect Food Additives: Adjuvants, Production Aids, and Sanitizers [Docket No. 96F-0369] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3713. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Neurological Devices; Effective Date of Requirement for Premarket Approval of Cranial Electrotherapy Stimulators [Docket No. 93N-0027] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3714. A letter from the Secretary of Health and Human Services, transmitting a draft of an Administration legislative proposal for revitalizing the Public Health Service; to the Committee on Commerce.

3715. A letter from the Director, Resource Management and Planning Staff, Trade Development, International Trade Administration, transmitting the Administration's final rule—Market Development Cooperative Program [Docket No. 970424097-7097-01] (RIN: 0625-ZA05) received June 3, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on International Relations.

3716. A letter from the Secretary of Commerce, transmitting the semiannual report on the activities of the Office of the Inspector General and the Secretary's semiannual report on final action taken on Inspector General audits for the period from October 1, 1996 through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3717. A letter from the Chairman, Board of Directors, Panama Canal Commission, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997; and the semiannual management report for the same period, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3718. A letter from the Deputy Director for Administration, Central Intelligence Agency, transmitting a report of activities under the Freedom of Information Act for the calendar year 1996, pursuant to 5 U.S.C. 552(d); to the Committee on Government Reform and Oversight.

3719. A letter from the Acting Commissioner of Social Security, Social Security Administration, transmitting the semiannual report on the activities of the Office of Inspector General for the period October 1, 1996, through March 31, 1997, pursuant to 5 U.S.C. app. (Insp. Gen. Act) section 5(b); to the Committee on Government Reform and Oversight.

3720. A letter from the Secretary of the Interior, transmitting certification that lands for the North Cannonball Unit, Standing Rock Indian Reservation have had an adequate soil survey, land classification has been made and that the lands to be irrigated are susceptible to agricultural production by irrigation, pursuant to 43 U.S.C. 390a; to the Committee on Resources.

3721. A letter from the Assistant Secretary for Environmental Management, Department of Energy, transmitting a summary of the Department of Energy's "Final Waste Management Programmatic Environmental Impact Statement"; to the Committee on Resources.

3722. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Change in Listing Status of Steller Sea Lion (RIN: 1018-AE10) received June 4, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3723. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Halibut and Red King Crab Bycatch Rate Standards for the Second Half of 1997 [Docket No. 900833-1095; I.D. 052997D] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3724. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries of the Exclusive Economic Zone Off Alaska; Groundfish of the Bering Sea and Aleutian Islands Area; Apportionment of Reserve [Docket No. 961107312-7021-02; I.D. 052397B] received June 6, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3725. A letter from the Assistant Attorney General, Department of Justice, transmitting the report on the administration of the Foreign Agents Registration Act covering the six months ended June 30, 1996, pursuant to 22 U.S.C. 621; to the Committee on the Judiciary.

3726. 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.

3727. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Safety Fitness Procedures; Safety Ratings (Federal Highway Administration) [FHWA Docket No. MC-94-22; FHWA-97-2252] (RIN: 2125-AC71) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3728. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Procedures for Participating in and received Data from the National Driver Register Problem Driver Pointer System (National Highway Traffic Safety Administration) [Docket No. 84-02; Notice 11] (RIN: 2127-AG21) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3729. A letter from the General Counsel, Department of Transportation, transmitting the Department's final rule—Hazardous Materials: Use of Non-specification Open-Head Fiber Drum Packagings (Research and Special Programs Administration) [Docket No. RSPA-97-2501 (HM-221B)] (RIN: 2137-AD04) received May 29, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

3730. A letter from the Deputy Administrator, General Services Administration, transmitting an informational copy of a Report of Building Project Survey for the Department of Transportation (DOT) Headquarters Replacement in Washington, DC, pursuant to 40 U.S.C. 606(a); to the Committee on Transportation and Infrastructure.

3731. A letter from the Board Members, Railroad Retirement Board, transmitting a draft of proposed legislation to amend the Railroad Retirement Act and the Railroad Unemployment Insurance Act to ease administration of the railroad retirement and railroad unemployment insurance programs; to the Committee on Transportation and Infrastructure.

3732. A letter from the Secretary of Transportation, transmitting a copy of the report entitled "The Regional Attorney Pilot Project," pursuant to Public Law 102—365, section 4(b)(3) (106 Stat. 973); to the Committee on Transportation and Infrastructure.

3733. A letter from the Acting Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, Small Business Administration, transmitting the revised annual report on Minority Small business and Capital Ownership Development for fiscal year 1996 to replace EC3250 which was transmitted on May 8, 1997, pursuant to Public Law 100—656, section 408 (102 Stat. 3877); to the Committee on Small Business.

3734. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend title 38, United States Code, to make certain improvements in the housing loan programs for veterans and eligible persons; to the Committee on Veterans' Affairs.

3735. A letter from the Secretary of Health and Human Services, transmitting a letter informing Congress that the proposal required by Section 4008(k)(1) of the Omnibus Budget Reconciliation Act of 1990 was transmitted with the President's fiscal year (FY) 1998 budget and associated legislative language; to the Committee on Ways and Means.

3736. A letter from the Secretary of Health and Human Services, transmitting a report on the initial estimate of the applicable percentage increase in inpatient hospital payment rates for Federal Fiscal Year (FY) 1998, pursuant to Public Law 101—508, section 4002(g)(1)(B) (104 Stat. 1388—36); to the Committee on Ways and Means.

3737. A letter from the Acting General Counsel, Department of Defense, transmitting a draft of proposed legislation that would clarify the treatment of military and National Guard aircraft as public aircraft; jointly to the Committees on National Security and Transportation and Infrastructure.

3738. A letter from the Administrator, Environmental Protection Agency, transmitting the third report on environmental estuarine monitoring of organotin concentrations, pursuant to 33 U.S.C. 2406; jointly to the Committees on Transportation and Infrastructure and National Security.

3739. A letter from the Administrator, National Highway Traffic Safety Administration, transmitting a copy of a report entitled "NHTSA Plan for Achieving Harmonization of the U.S. and European Side Impact Standards," pursuant to Public Law 104—205; jointly to the Committees on Transportation and Infrastructure and Commerce.

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:

[Submitted June 9, 1997]

Mr. BLILEY: Committee on Commerce. H.R. 1277. A bill to authorize appropriations for fiscal year 1998 and fiscal year 1999 for the civilian research, development, demonstration, and commercial application activities of the Department of Energy, and for other purposes; with an amendment (Rept. 105–67 Pt. 2). Referred to the Committee of the Whole House on the State of the Union.

[Submitted June 10, 1997]

Mr. SOLOMON: Committee on Rules. House Resolution 163. Resolution providing for consideration of the joint resolution (H.J. Res. 54) proposing an amendment to the Constitution of the United States authorizing the Congress to prohibit the physical desecration of the flag of the United States (Rept. 105–126). Referred to the House Calendar.

Mr. GOSS: Committee on Rules. House Resolution 164. Resolution providing for consideration of the bill (H.R. 437) to reauthorize the National Sea Grant College Program Act, and for other purposes (Rept. 105–127). Referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE 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. SMITH of Texas: Committee on the Judiciary. H.R. 378. A bill for the relief of Heraclio Tolley (Rept. 105–125). Referred to the Committee of the Whole House.

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. HYDE (for himself, Mr. MCDERMOTT, Mrs. KELLY, Mr. HAYWORTH, Mr. STARK, Ms. DEGETTE, Ms. JACKSON-LEE of Texas, Mr. CONYERS, Mr. FRANK of Massachusetts, Mr. BARR of Georgia, Mrs. MEEK of Florida, Mr. MARTINEZ, Ms. LOFGREN, Mr. WICKER, Mr. GRAHAM, Mr. MANZULLO, Mr. SCHIFF, Mr. CLAY, Mr. EVANS, Mr. FOLEY, Mr. FOGLIETTA, Mr. PARKER, Mr. DELLUMS, Mr. BLILEY, Mr. BROWN of Ohio, Mr. WATT of North Carolina, Mr. BERMAN, Mr. BAKER, and Mr. CUMMINGS):

H.R. 1835. A bill to provide a more just and uniform procedure for Federal civil forfeitures; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURTON of Indiana (for himself and Mr. MICA):

H.R. 1836. A bill to amend chapter 89 of title 5, United States Code, to improve administration of sanctions against unfit health care providers under the Federal Employees Health Benefits Program, and for other purposes; to the Committee on Government Reform and Oversight.

By Ms. JACKSON-LEE:

H.R. 1837. A bill to amend title 18, United States Code, with respect to the penalty for the rape of juveniles in prison; to the Committee on the Judiciary.

By Mr. SHUSTER (for himself, Mr. OBERSTAR, Mr. GILCHREST, and Mr. CLEMENT) (all by request):

H.R. 1838. A bill to authorize appropriations for fiscal years 1998 and 1999 for the Coast Guard, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. WHITE (for himself, Mr. TOWNS, Mr. HORN, Mr. NORWOOD, and Ms. DUNN of Washington):

H.R. 1839. A bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles; to the Committee on Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MCCOLLUM:

H.R. 1840. A bill to provide a law enforcement exception to the prohibition on the advertising of certain electronic devices; to the Committee on the Judiciary.

By Mr. COX of California (for himself and Mr. CAMPBELL):

H.R. 1841. A bill to amend the Internal Revenue Code of 1986 to repeal the death tax for family farms and small businesses; to the Committee on Ways and Means.

By Mrs. CHENOWETH (for herself, Mr. POMBO, Mr. DOOLITTLE, Mr. SMITH of Oregon, Mr. RADANOVICH, Mr. BOB SCHAFFER, Mr. GIBBONS, Mr. HERGER, Mr. HILLEARY, Mr. HASTINGS of Washington, Mr. SMITH of Texas, and Mr. METCALF):

H.R. 1842. A bill to terminate further development and implementation of the American Heritage Rivers Initiative; to the Committee on Resources.

By Mr. BASS (for himself, Mr. SUNUNU, Mr. SANDERS, Mr. METCALF, Mr. PARKER, Mr. YOUNG of Alaska, Mr. BOUCHER, Mr. BONO, Mr. PASTOR, Mr. STUMP, Mr. STRICKLAND, Mr. DEAL of Georgia, Mr. NORWOOD, Mr. WICKER, Mr. GRAHAM, Mrs. CUBIN, Mr. HERGER, Mr. HILL, Mr. HAYWORTH, Mr. RIGGS, and Mrs. EMERSON):

H.R. 1843. A bill to amend title 31, United States Code, to address the failure to appropriate sufficient funds to make full payments in lieu of taxes under chapter 69 of such title by exempting certain users of the National Forest System from fees imposed in connection with such use; to the Committee on Resources.

By Mr. COLLINS:

H.R. 1844. A bill to amend the Internal Revenue Code of 1986 to clarify the treatment of aircraft maintenance and repair expenditures required by the Federal Aviation Administration; to the Committee on Ways and Means.

By Mr. ETHERIDGE (for himself, Mr. MCINTYRE, Mr. HEFNER, Mrs. CLAYTON, Mr. COBLE, and Mr. PRICE of North Carolina):

H.R. 1845. A bill to amend the Internal Revenue Code of 1986 to reduce estate taxes on family-owned businesses; to the Committee on Ways and Means.

By Mr. GALLEGLY (for himself and Mr. COOKSEY):

H.R. 1846. A bill to provide for the immediate application of certain orders relating to the amendment, modification, suspension, or revocation of certificates under chapter 447 of title 49, United States Code; to the Committee on Transportation and Infrastructure.

By Mr. GOODLATTE:

H.R. 1847. A bill to improve the criminal law relating to fraud against consumers; to the Committee on the Judiciary.

By Mr. HOYER (for himself, Mrs. MORELLA, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. FAZIO of California, Mr. FORD, and Mr. DAVIS of Virginia):

H.R. 1848. A bill to amend chapter 89 of title 5, United States Code, to modify the formula under which the Government contribution for a Federal employee or annuitant enrolled in a health benefits plan under such chapter is determined; to the Committee on Government Reform and Oversight.

By Mr. LUCAS of Oklahoma:

H.R. 1849. A bill to establish the Oklahoma City National Memorial as a unit of the National Park System, to designate the Oklahoma City Memorial Trust, and for other purposes; to the Committee on Resources.

By Mrs. MALONEY of New York (for herself, Mr. DEFAZIO, Mr. BARRETT of Wisconsin, Ms. SLAUGHTER, Ms. MCKINNEY, Mr. JACKSON, Mr. MCGOVERN, Ms. NORTON, and Mr. ROTHMAN):

H.R. 1850. A bill to require the Secretary of Defense to plan and carry out pilot projects to test various best business practices for defense inventory management; to the Committee on National Security.

By Mr. MORAN of Virginia:

H.R. 1851. A bill to designate the U.S. courthouse located at 200 South Washington Street in Alexandria, VA, as the "Martin V.B. Bostetter, Jr. United States Courthouse"; to the Committee on Transportation and Infrastructure.

By Mrs. MYRICK:

H.R. 1852. A bill to reduce the duty on a polymer of alkanediols, monocyclic dicarboxylic acid dimethyl ester, monocyclic monosulfonated dicarboxylic acid dimethyl ester monsodium salt and hydroxy alkoxyalkanesulfonic acid sodium salt; to the Committee on Ways and Means.

By Mr. RIGGS:

H.R. 1853. A bill to amend the Carl D. Perkins Vocational and Applied Technology Education Act; to the Committee on Education and the Workforce.

By Mr. SABO:

H.R. 1854. A bill to amend the Employee Retirement Income Security Act of 1974 to require the offering of children-only coverage to dependents of participants under group health plans, and for other purposes; to the Committee on Education and the Workforce.

By Mr. SAXTON (for himself, Mr. ALLEN, Mr. BALDACCI, Mr. DELAHUNT, Mr. FRANK of Massachusetts, Mr. KENNEDY of Rhode Island, Mr. PALLONE, and Mr. WEYGAND):

H.R. 1855. A bill to establish a moratorium on large fishing vessels in Atlantic herring and mackerel fisheries; to the Committee on Resources.

By Mr. SAXTON:

H.R. 1856. A bill to amend the Fish and Wildlife Act of 1956 to direct the Secretary of the Interior to conduct a volunteer pilot project at one national wildlife refuge in each U.S. Fish and Wildlife Service region, and for other purposes; to the Committee on Resources.

By Mr. SENSENBRENNER:

H.R. 1857. A bill to amend title 28, United States Code, to provide for Federal jurisdiction of certain multiparty, multiform civil actions; to the Committee on the Judiciary.

By Mr. SHAYS (for himself, Mr. FRANK of Massachusetts, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. BALDACCI, Mr. BARRETT of Wisconsin, Mr. BECERRA, Mr. BERMAN, Mr. BLAGOJEVICH, Mr. BLUMENAUER, Mr. BOEHLERT, Mr. BONIOR, Mr. BROWN of California, Mr. BROWN of Ohio, Mr. CAMPBELL, Mr. CAPPS, Mr. CARDIN, Ms. CARSON, Ms. CHRISTIAN-GREEN, Mr. CLAY, Mrs. CLAYTON, Mr. CLYBURN, Mr. CONYERS, Mr. COYNE, Mr. CUMMINGS, Mr. DAVIS of Illinois, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DELLUMS, Mr. DEUTSCH, Mr. DICKS, Mr. DIXON, Mr. ENGEL, Ms. ESHOO, Mr. EVANS, Mr. FALEOMAVAEGA, Mr. FARR of California, Mr. FATTAH, Mr. FAZIO of California, Mr. FILNER, Mr. FLAKE, Mr. FOGLIETTA, Mr. FORD, Mr. FRELINGHUYSEN, Mr. FROST, Ms. FURSE, Mr. GEJDENSON, Mr. GEPHARDT, Mr. GILMAN, Mr. GONZALEZ, Mr. GREENWOOD, Mr. GUTIERREZ, Ms. HARMAN, Mr. HASTINGS of Florida, Mr. HINCHEY, Ms. HOOLEY of Oregon, Mr. HORN, Mr. HOYER, Ms. JACKSON-LEE, Mr. JACKSON, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. JOHNSON of Connecticut, Mrs. KELLY, Mr. KENNEDY of Massachusetts, Mr. KENNEDY of Rhode Island, Mrs. KENNELLY of Connecticut, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND of Wisconsin, Mr. KOLBE, Mr. KUCINICH, Mr. LANTOS, Mr. LEACH, Mr. LEVIN, Mr. LEWIS of Georgia, Ms. LOFGREN, Mrs. LOWEY, Mr. LUTHER, Mrs. MALONEY of New York, Mr. MALONEY of Connecticut, Mr. MARKEY, Mr. MARTINEZ, Mr. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCARTHY of Missouri, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCHALE, Ms. MCKINNEY, Mr. MEEHAN, Mrs. MEEK of Florida, Mr. MENENDEZ, Ms. MILLENDER-MCDONALD, Mr. MILLER of California, Mrs. MINK of Hawaii, Mr. MOAKLEY, Mr. MORAN of Virginia, Mrs. MORELLA, Mr. NADLER, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. OWENS, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Ms. PELOSI, Mr. RANGEL, Mr. REYES, Ms. RIVERS, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUSH, Mr. SABO, Ms. SANCHEZ, Mr. SANDERS, Mr. SAWYER, Mr. SCHUMER, Mr. SERRANO, Mr. SHERMAN, Mr. SKAGGS, Ms. SLAUGHTER, Mr. ADAM SMITH of Washington, Ms. STABENOW, Mr. STARK, Mr. STOKES, Mrs. TAUSCHER, Mr. THOMPSON, Mr. TIERNEY, Mr. TORRES, Mr. TOWNS, Mr. TRAFICANT, Mr. UNDERWOOD, Ms. VELAZQUEZ, Mr. VENTO, Ms. WATERS, Mr. WATT of North Carolina, Mr. WAXMAN, Mr. WEXLER, Mr. WEYGAND, Ms. WOOLSEY, Mr. WYNN, and Mr. YATES):

H.R. 1858. A bill to prohibit employment discrimination on the basis of sexual orientation; to the Committee on Education and the Workforce, and in addition to the Committees on House Oversight, Government Reform and Oversight, 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. STEARNS (for himself, Mr. TAUZIN, Mr. OXLEY, and Mr. UPTON):

H.R. 1859. A bill to amend the Communications Act of 1934 to reduce restrictions on media ownership, and for other purposes; to the Committee on Commerce.

By Mr. PAUL:

H.J. Res. 80. Joint resolution proposing an amendment to the Constitution of the United States authorizing the State to prohibit the physical destruction of the flag of the United States and authorizing Congress to prohibit destruction of federally owned flags; to the Committee on the Judiciary.

By Mr. SCARBOROUGH:

H.J. Res. 81. Joint resolution disapproving the Federal Communications Commission Order 97-27, relating to revision of the Commission's cable television leased commercial access rules; to the Committee on Commerce.

By Mr. WELDON of Florida (for himself, Mr. DEUTSCH, Mr. COOK, Mr. ROHRABACHER, Mr. WEXLER, Mr. MCGOVERN, Mr. WATTS of Oklahoma, Mr. FROST, Mr. CANADY of Florida, Mr. LIPINSKI, Mr. LAHOOD, Mr. FOX of Pennsylvania, Mr. ABERCROMBIE, Mr. MILLER of Florida, Ms. SLAUGHTER, Mr. FRANK of Massachusetts, Mrs. THURMAN, Mr. FORBES, Mr. DELLUMS, Mr. PORTER, Mr. ENGEL, and Mr. DICKEY):

H. Con. Res. 95. Concurrent resolution recognizing and commending American airmen held as political prisoners at the Buchenwald concentration camp during World War II for their service, bravery, and fortitude; to the Committee on Government Reform and Oversight.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

128. The SPEAKER presented a memorial of the House of Representatives of the Commonwealth of Kentucky, relative to House Resolution No. 20 encouraging the President and the United States Congress to examine United States foreign policy toward Ethiopia; to the Committee on International Relations.

129. Also, a memorial of the Legislature of the State of Montana, relative to House Joint Resolution 13 urging Congress to amend President Clinton's unilateral action in designating the Grand Staircase-Escalante National Monument; urging Congress to require negotiation with the States and a stronger consideration of the social and economic consequences in the designation of national monuments and wilderness areas; and requiring the Secretary of State to transmit copies of the Grand Staircase-Escalante National Monument Resolution; to the Committee on Resources.

130. Also, a memorial of the Legislature of the State of Oregon, relative to Senate Concurrent Resolution 8 urging the Congress of the United States to continue the operation of and reverse the decision to close the Astoria Weather Station; to the Committee on Science.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII:

Mr. RAHALL introduced a bill (H.R. 1860) for the relief of certain Persian Gulf evacuees; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 7: Mr. HUTCHINSON.

H.R. 15: Mr. RUSH, Mr. LANTOS, and Mr. CALVERT.

H.R. 84: Mr. FILNER.

H.R. 96: Mr. JONES, Mr. LEWIS of Georgia, and Mrs. FOWLER.

H.R. 108: Mrs. LOWEY.

H.R. 135: Ms. HOOLEY of Oregon, and Mr. COYNE.

H.R. 145: Mr. DIXON and Mrs. LOWEY.

H.R. 197: Ms. ESHOO.

H.R. 230: Ms. FURSE.

H.R. 245: Mr. FOX of Pennsylvania.

H.R. 404: Mr. SHAYS.

H.R. 407: Mrs. MINK of Hawaii.

H.R. 446: Mr. KING of New York.

H.R. 521: Mr. HUTCHINSON.

H.R. 625: Mr. HOLDEN, Mr. GIBBONS, and Mr. BARRETT of Wisconsin.

H.R. 632: Mr. GOODE, Mr. COBLE, and Mr. ENSIGN.

H.R. 693: Mr. BACHUS.

H.R. 695: Mr. ENGLISH of Pennsylvania.

H.R. 699: Mr. HASTINGS of Washington, Mr. ENSIGN, Mr. QUINN, Mr. SMITH of New Jersey, Mr. LARGENT, Mr. REYES, and Mr. SNYDER.

H.R. 712: Mr. DAVIS of Illinois, Mr. MCGOVERN, and Mr. HASTINGS of Florida.

H.R. 754: Mr. MALONEY of Connecticut and Mr. DELAHUNT.

H.R. 758: Mr. HULSHOF.

H.R. 793: Mr. FILNER.

H.R. 815: Mr. DAVIS of Florida, Mr. WEXLER, and Mr. SHAW.

H.R. 869: Mr. KLUG and Mr. STRICKLAND.

H.R. 873: Mr. WELDON of Pennsylvania.

H.R. 880: Mr. YOUNG of Alaska.

H.R. 910: Mr. BONIOR.

H.R. 922: Mr. COOK.

H.R. 923: Mr. COOK.

H.R. 955: Mr. BLILEY.

H.R. 957: Mr. FOX of Pennsylvania.

H.R. 971: Mr. LAFALCE.

H.R. 983: Ms. MCCARTHY of Missouri, Mr. POSHARD, and Ms. LOFGREN.

H.R. 989: Mr. MCHALE, Mr. HOUGHTON, Mr. MEEHAN, Mr. COBLE, Mr. JACKSON, Mr. DEUTSCH, Mr. KING of New York, Mr. CANADY of Florida, Mr. DELLUMS, Mr. PASTOR, and Ms. PRYCE of Ohio.

H.R. 991: Mr. MINGE.

H.R. 1009: Mr. CHAMBLISS.

H.R. 1018: Mr. HALL of Ohio and Mr. MCCOLLUM.

H.R. 1054: Mr. PACKARD and Mr. TORRES.

H.R. 1059: Mr. COLLINS and Mr. EWING.

H.R. 1063: Mr. DAVIS of Virginia, Mr. BEREUTER, Mr. COLLINS, Mr. SHADEGG, and Mr. HUTCHINSON.

H.R. 1072: Ms. WOOLSEY, Ms. LOFGREN, and Ms. BROWN of Florida.

H.R. 1114: Mr. FILNER, Mr. WEXLER, and Mr. WALSH.

H.R. 1120: Mr. CARDIN and Mr. LAFALCE.

H.R. 1126: Mr. COOK, Mr. MENENDEZ, and Mr. HOSTETTLER.

H.R. 1134: Ms. DANNER, Mr. BORSKI, Mr. GUTKNECHT, Ms. SLAUGHTER, Mr. GREENWOOD, Mr. TAUZIN, Mr. THOMPSON, Mr. DEUTSCH, Mr. SKAGGS, and Mr. KINGSTON.

H.R. 1140: Mr. COBLE.

H.R. 1166: Mr. BORSKI, Mr. MOAKLEY, Mr. BLAGOJEVICH, Mr. BARCIA of Michigan, Mr. BONO, Mr. GOODLING, Mr. PRICE of North Carolina, Mr. SKELTON, Mr. GEJDENSON, and Mr. DOOLITTLE.

H.R. 1173: Mr. BLAGOJEVICH, Mr. RUSH, Mr. PAYNE, Mr. KENNEDY of Massachusetts, Mr. MCCRERY, Mr. FRANK of Massachusetts, Mrs.

MEEK of Florida, Mr. DAVIS of Virginia, Mr. MCDERMOTT, Mr. WATT of North Carolina, Mrs. MCCARTHY of New York, Ms. PELOSI, Mr. TIERNEY, Mr. PETERSON of Minnesota, Mr. MORAN of Virginia, Ms. DELAURO, Mrs. KENNELLY of Connecticut, Mr. GEJDENSON, and Mr. ADAM SMITH of Washington.

H.R. 1203: Mr. CALVERT.

H.R. 1231: Ms. SLAUGHTER.

H.R. 1260: Mr. HALL of Ohio, Mr. DIXON, Mr. CALVERT, Mr. GOODLING, Mrs. EMERSON, and Mr. BROWN of Ohio.

H.R. 1270: Mr. MCINTYRE, Mr. WEXLER, Mr. ADERHOLT, Mr. THORNBERRY, Mr. HUTCHINSON, Mr. SAXTON, Mr. HASTINGS of Florida, Ms. JACKSON-LEE, Mr. WALSH, and Mr. SCOTT.

H.R. 1287: Ms. NORTON, Mr. DUNCAN, Mr. KOLBE, Mr. CAMPBELL, and Mr. LIPINSKI.

H.R. 1288: Mr. COSTELLO.

H.R. 1289: Mr. KUCINICH, Mr. FROST, Mr. BOUCHER, Mr. MEEHAN, Mr. EVANS, Mr. ACKERMAN, Mr. GREENWOOD, Mr. SHAYS, Mr. BAKER, Ms. ESHOO, and Mr. ALLEN.

H.R. 1296: Mr. HORN, Ms. STABENOW, and Mr. FOX of Pennsylvania.

H.R. 1301: Mr. FOGLIETTA.

H.R. 1315: Ms. DEGETTE.

H.R. 1323: Mr. MCDERMOTT, Mr. TORRES, Mr. MORAN of Virginia, and Mr. ALLEN.

H.R. 1350: Mr. CANADY of Florida, Mr. HAYWORTH, Mr. CHRISTENSEN, and Mr. SKAGGS.

H.R. 1355: Ms. WOOLSEY.

H.R. 1363: Mr. FILNER and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1364: Mr. FILNER, Mr. SCHUMER, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARTINEZ.

H.R. 1373: Mr. DAVIS of Illinois and Mr. LEWIS of Georgia.

H.R. 1401: Mr. SKAGGS.

H.R. 1437: Mr. MARTINEZ and Mr. QUINN.

H.R. 1440: Mr. FROST, Mr. MCGOVERN, Mr. LAFALCE, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1455: Mr. TORRES, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. MARTINEZ.

H.R. 1480: Mr. FILNER.

H.R. 1496: Mr. FOX of Pennsylvania and Mr. EVANS.

H.R. 1497: Mr. MCGOVERN.

H.R. 1503: Mr. FOX of Pennsylvania.

H.R. 1526: Mr. SAXTON, Mr. ETHERIDGE, Mr. CANADY of Florida, and Mr. ROTHMAN.

H.R. 1531: Mr. CLYBURN, Mr. LIPINSKI, Mr. MCNULTY, Mr. HOLDEN, Mr. YATES, and Mr. WEXLER.

H.R. 1532: Mr. ALLEN, Mr. TAYLOR of Mississippi, Mr. BLAGOJEVICH, Mr. LIVINGSTON, Mr. BEREUTER, Mrs. ROUKEMA, Mr. FAWELL, Mr. SAWYER, Mr. TANNER, Mr. MCINTOSH, Mr. LEACH, Mr. COBLE, Mr. HASTINGS of Florida, Mr. WICKER, Mr. CRAMER, Mr. MCDADE, Mr. HASTERT, Mr. DAVIS of Illinois, Ms. DELAURO, Mr. BOYD, Mr. MARTINEZ, and Mr. DEUTSCH.

H.R. 1541: Mrs. MALONEY of New York, Mr. PORTER, Mr. KLUG, and Mr. FORD.

H.R. 1542: Mr. BILBRAY.

H.R. 1592: Mrs. FOWLER and Mr. TRAFICANT.

H.R. 1604: Mr. STUPAK.

H.R. 1614: Mr. SNYDER.

H.R. 1620: Mr. EHRLICH and Mr. MCCOLLUM.

H.R. 1628: Mr. FAZIO of California, Mr. LEVIN, Ms. DUNN of Washington, Mr. BENTSEN, Ms. PELOSI, Ms. JACKSON-LEE, Ms. CHRISTIAN-GREEN, Mr. ROTHMAN, and Mr. ENGLISH of Pennsylvania.

H.R. 1631: Mr. FILNER, Mr. SESSIONS, Mr. TOWNS, Mr. WATTS of Oklahoma, and Mr. FROST.

H.R. 1658: Mr. DELAHUNT.

H.R. 1679: Mr. HOYER.

H.R. 1689: Mr. DEAL of Georgia, Mr. KLECZKA, Mr. PICKETT, and Mr. HASTERT.

H.R. 1698: Mr. BECERRA, Mr. DELLUMS, Ms. PELOSI, Ms. LOFGREN, Mr. GONZALEZ, Mr. HINCHEY, Mr. MATSUI, and Mr. MILLER of California.

H.R. 1706: Mr. RUSH, Ms. JACKSON-LEE, Ms. LOFGREN, Mr. ACKERMAN, Mr. FROST, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. HASTINGS of Florida, and Mr. ENGLISH of Pennsylvania.

H.R. 1716: Mr. SHAYS and Mr. FAWELL.

H.R. 1725: Mr. BORSKI.

H.R. 1732: Mr. SANDERS, Ms. CHRISTIAN-GREEN, Mr. FILNER, and Mr. GUTIERREZ.

H.R. 1764: Mr. PAUL.

H.R. 1773: Mrs. MEEK of Florida and Mr. CUNNINGHAM.

H.R. 1776: Mr. FRELINGHUYSEN and Mr. SANFORD.

H.R. 1812: Mr. BURTON of Indiana and Mr. ROHRABACHER.

H.J. Res. 79: Mr. GIBBONS, Mr. HOSTETTLER, and Mr. BURTON of Indiana.

H. Con. Res. 10: Mr. MILLER of Florida, Mr. HINCHEY, and Mr. STUPAK.

H. Con. Res. 13: Mr. EWING, Mrs. EMERSON, Mr. TURNER, Mr. WAXMAN, and Mr. SCOTT.

H. Con. Res. 47: Mr. LAMPSON, Mr. BERMAN, and Mr. REYES.

H. Con. Res. 60: Mr. PALLONE, Mr. SENSENBRENNER, Mr. WELLER, Mr. HASTERT, Mr. FOX of Pennsylvania, Mr. ETHRIDGE, Mr. LARGENT, Mr. FROST, Mr. ANDREWS, and Mr. HUTCHINSON.

H. Con. Res. 88: Mr. MENENDEZ.

H. Con. Res. 89: Mr. MCDERMOTT, Mr. OLVER, and Mr. HOUGHTON.

H. Con. Res. 91: Mr. DAVIS of Illinois.

H. Res. 15: Mr. EVANS.

H. Res. 122: Mr. FOX of Pennsylvania.

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. 1559: Mrs. LINDA SMITH of Washington and Mrs. EMERSON.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the clerk's desk and referred as follows:

17. The SPEAKER presented a petition of the Board of Supervisors, County of Santa Barbara, California, relative to a vote of support for S.615 by Senator John H. CHAFEE and H.R.761 by Representative Barney Frank at their regular session; jointly to the Committees on Ways and Means and Agriculture.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 437

OFFERED BY: MR. SAXTON

(Amendment in the Nature of a Substitute)

AMENDMENT NO. 1: Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Sea Grant College Program Reauthorization Act of 1997".

SEC. 2. AMENDMENT OF NATIONAL SEA GRANT COLLEGE PROGRAM ACT.

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the National Sea Grant College Program Act (33 U.S.C. 1121 et seq.).

SEC. 3. AMENDMENTS TO DEFINITIONS.

(a) SEA GRANT INSTITUTION.—Section 203 (33 U.S.C. 1122) is amended by adding at the end the following new paragraph:

"(16) The term 'sea grant institution' means—

"(A) any sea grant college or sea grant regional consortium, and

"(B) any institution of higher education, institute, laboratory, or State or local agency conducting a sea grant program with amounts provided under this Act.".

(b) FIELD RELATED TO OCEAN, COASTAL, AND GREAT LAKES RESOURCES.—Section 203(4) (33 U.S.C. 1122(4)) is amended to read as follows:

"(4) The term 'field related to ocean, coastal, and Great Lakes resources' means any discipline or field, including marine affairs, resource management, technology, education, or science, which is concerned with or likely to improve the understanding, assessment, development, utilization, or conservation of ocean, coastal, and Great Lakes resources.".

(c) SECRETARY.—

(1) IN GENERAL.—Section 203(13) (33 U.S.C. 1122(13)) is amended to read as follows:

"(13) The term 'Secretary' means the Secretary of Commerce, acting through the Under Secretary of Commerce for Oceans and Atmosphere.".

(2) CONFORMING AMENDMENTS.—The Act is amended—

(A) by striking section 203(15) (33 U.S.C. 1122(15));

(B) in section 209(b) (33 U.S.C. 1128(b)), as amended by this Act, by striking ", the Under Secretary,"; and

(C) by striking "Under Secretary" every other place it appears and inserting "Secretary".

SEC. 4. CONSULTATIONS REGARDING LONG-RANGE PLANNING GUIDELINES AND PRIORITIES AND EVALUATION.

Section 204(a) (33 U.S.C. 1123(a)) is amended in the last sentence by inserting after "The Secretary" the following: ", in consultation with the sea grant institutions and the panel established under section 209,".

SEC. 5. DUTIES OF DIRECTOR.

Section 204(c) (33 U.S.C. 1123(c)) is amended to read as follows:

"(c) DUTIES OF DIRECTOR.—

"(1) IN GENERAL.—The Director shall administer the National Sea Grant College Program subject to the supervision of the Secretary. In addition to any other duty prescribed by law or assigned by the Secretary, the Director shall—

"(A) advise the Secretary with respect to the expertise and capabilities which are available within or through the National Sea Grant College Program, and provide (as directed by the Secretary) those which are or could be of use to other offices and activities within the Administration;

"(B) encourage other Federal departments, agencies, and instrumentalities to use and take advantage of the expertise and capabilities which are available through the National Sea Grant College Program, on a cooperative or other basis;

"(C) encourage cooperation and coordination with other Federal programs concerned with ocean, coastal, and Great Lakes resources conservation and usage;

"(D) advise the Secretary on the designation of sea grant institutions and, in appropriate cases, if any, on the termination or suspension of any such designation;

"(E) encourage the formation and growth of sea grant programs; and

"(F) oversee the operation of the National Sea Grant Office established under subsection (a).

"(2) DUTIES WITH RESPECT TO SEA GRANT INSTITUTIONS.—With respect to the sea grant institutions, the Director shall—

"(A) evaluate the programs of the institutions, using the guidelines and priorities established by the Secretary under subsection (a), to ensure that the objective set forth in section 202(b) is achieved;

"(B) subject to the availability of appropriations, allocate funding among the sea grant institutions so as to—

"(i) promote healthy competition among those institutions,

"(ii) promote successful implementation of the programs developed by the institutions under subsection (e), and

"(iii) to the maximum extent consistent with the other provisions of this subparagraph, provide a stable base of funding for the institutions; and

"(C) ensure compliance by the institutions with the guidelines for merit review published pursuant to section 207(b)(2).".

SEC. 6. DUTIES OF SEA GRANT INSTITUTIONS.

Section 204 (33 U.S.C. 1123) is amended by adding at the end the following new subsection:

"(e) DUTIES OF THE SEA GRANT INSTITUTIONS.—Subject to any regulations or guidelines promulgated by the Secretary, it shall be the responsibility of each sea grant institution to—

"(1) develop and implement, in consultation with the Secretary and the panel established under section 209, a program that is consistent with the guidelines and priorities developed under section 204(a); and

"(2) conduct merit review of all applications for project grants or contracts to be awarded under section 205.".

SEC. 7. REPEAL OF SEA GRANT INTERNATIONAL PROGRAM.

(a) REPEAL.—Section 3 of the Sea Grant Program Improvement Act of 1976 (33 U.S.C. 1124a) is repealed.

(b) CONFORMING AMENDMENT.—Section 209(b)(1) (33 U.S.C. 1128(b)(1)) is amended by striking "and section 3 of the Sea Grant Program Improvement Act of 1976".

SEC. 8. DESIGNATION OF SEA GRANT INSTITUTIONS.

Section 207 (33 U.S.C. 1126) is amended to read as follows:

"SEC. 207. SEA GRANT COLLEGES AND SEA GRANT REGIONAL CONSORTIA.

"(a) DESIGNATION.—The Secretary may designate an institution of higher learning as a sea grant college, and an association or alliance of two or more persons as a sea grant regional consortium, if the institution, association, or alliance—

"(1) is maintaining a balanced program of research, education, training, and advisory services in fields related to ocean, coastal, and Great Lakes resources;

"(2) will cooperate with other sea grant institutions and other persons to solve problems or meet needs relating to ocean, coastal, and Great Lakes resources;

"(3) will act in accordance with such guidelines as are prescribed under subsection (b)(2);

"(4) meets such other qualifications as the Secretary, in consultation with the sea grant review panel established under section 209, considers necessary or appropriate; and

"(5) is recognized for excellence in marine resources development and science.

"(b) REGULATIONS AND GUIDELINES.—

"(1) IN GENERAL.—The Secretary shall by regulation prescribe the qualifications required to be met under subsection (a)(4).

"(2) MERIT REVIEW.—Within 6 months after the date of enactment of the National Sea Grant College Program Reauthorization Act of 1997, the Secretary, after consultation with the sea grant institutions, shall establish guidelines for the conduct of merit review by the sea grant institutions of project proposals for grants and contracts to be awarded under section 205. The guidelines shall, at a minimum, provide for peer review of all research projects and require standardized documentation of all peer review.

"(c) SUSPENSION OR TERMINATION OF DESIGNATION.—The Secretary may, for cause and after an opportunity for hearing, suspend or terminate any designation under subsection (a).".

SEC. 9. AUTHORIZATIONS OF APPROPRIATIONS.

(a) GRANTS, CONTRACTS, AND FELLOWSHIPS.—Section 212(a) (33 U.S.C. 1131(a)) is amended to read as follows:

"(a) AUTHORIZATION.—

"(1) IN GENERAL.—There is authorized to be appropriated to carry out this Act—

"(A) $54,300,000 for fiscal year 1998;

"(B) $55,400,000 for fiscal year 1999; and

"(C) $56,500,000 for fiscal year 2000.

"(2) ZEBRA MUSSEL AND OYSTER DISEASE RESEARCH.—Of the amount authorized for a fiscal year under paragraph (1)—

"(A) up to $2,800,000 of the amount may be made available as provided in section 1301(b)(4)(A) of the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990 (16 U.S.C. 4741(b)(4)(A)) for competitive grants for university research on the zebra mussel; and

"(B) up to $2,000,000 of the amount may be made available for competitive grants for university research on oyster disease.".

(b) ADMINISTRATION.—Section 212(b) (33 U.S.C. 1131(b)) is amended—

(1) by striking so much as precedes paragraph (2) and inserting the following:

"(b) ADMINISTRATION.—

"(1) LIMITATION.—Of the amount appropriated for each fiscal year under subsection (a), an amount, not exceeding 5 percent of the lesser of the amount authorized under subsection (a) for the fiscal year or the amount appropriated under subsection (a) for the fiscal year, may be used for the administration of this Act, including section 209, by the National Sea Grant Office and the Administration.";

(2) in paragraph (2)—

(A) by striking "subsections (a) and (c)" and inserting "subsection (a)"; and

(B) by striking "(2)" and inserting "(2) LIMITATION ON USE OF OTHER AMOUNTS.—"; and

(3) by moving paragraph (2) 2 ems to the right, so that the left margin of paragraph (2) is aligned with the left margin of paragraph (1), as amended by paragraph (1) of this subsection.

(c) REPEAL.—Section 212 (33 U.S.C. 1131) is amended by repealing subsection (c) and redesignating subsections (d) and (e) in order as subsections (c) and (d).

(d) PROHIBITION ON LOBBYING; NOTICE OF REPROGRAMMING OR REORGANIZATION.—Section 212 (33 U.S.C. 1131), as amended by subsection (c) of this section, is further amended by adding at the end the following:

"(e) PROHIBITION OF LOBBYING ACTIVITIES.—None of the funds authorized by this section shall be available for any activity whose purpose is to influence legislation pending before the Congress, except that this subsection shall not prevent officers or employees of the United States or of its departments or agencies from communicating to Members of Congress on the request of any Member or to Congress, through the proper channels, requests for legislation or appropriations which they deem necessary for the efficient conduct of the public business.

"(f) NOTICE OF REPROGRAMMING.—If any funds authorized by this section are subject to a reprogramming action that requires notice to be provided to the Appropriations Committees of the House of Representatives and the Senate, notice of such action shall concurrently be provided to the Committees on Science and Resources of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

"(g) NOTICE OF REORGANIZATION.—The Secretary shall provide notice to the Committees on Science, Resources, and Appropriations of the House of Representatives, and the Committees on Commerce, Science, and Transportation and Appropriations of the Senate, not later than 15 days before any major reorganization of any program, project, or activity of the National Sea Grant College Program.".

SEC. 10. CLERICAL, CONFORMING, AND TECHNICAL AMENDMENTS.

(a) CLERICAL AMENDMENTS.—

(1) Section 203(3) (33 U.S.C. 1122(3)) is amended by striking "the term" and inserting "The term".

(2) Section 203(6) (33 U.S.C. 1122(6)) is amended by moving subparagraph (F) 2 ems to the right, so that the left margin of subparagraph (F) is aligned with the left margin of subparagraph (E).

(3) The heading for section 204 (33 U.S.C. 1124) is amended to read as follows:

"SEC. 204. NATIONAL SEA GRANT COLLEGE PROGRAM.".

(4) Section 209 (33 U.S.C. 1128) is amended by striking all of the matter that follows the first full sentence through "shall advise", and inserting "(b) DUTIES.—The panel shall advise".

(5) Section 205(b)(3) (33 U.S.C. 1124(b)(3)) is amended by striking "or section 206".

(6) Section 204(d)(1) (33 U.S.C. 1123(d)(1)) is amended—

(A) by striking "five positions" and inserting "one position"; and

(B) by striking "the maximum rate for GS–18 of the General Schedule under section 5332" and inserting "a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376".

(b) CONFORMING AMENDMENTS.—

(1) Section 204(b)(2) (33 U.S.C. 1123(b)(2)) is amended by striking "maximum rate for GS–18" and all that follows through the end of the sentence and inserting "maximum rate payable under section 5376 of title 5, United States Code.".

(2) Section 209 (33 U.S.C. 1128) is amended—

(A) in subsection (b)(3) by striking "colleges and sea grant regional consortia" and inserting "institutions"; and

(B) in subsection (c)(1) in the last sentence in clause (A) by striking "college, sea grant regional consortium," and inserting "institution".

(c) TECHNICAL AMENDMENT.—Section 209(c)(5)(A) (33 U.S.C. 1128(c)(5)(A)) is amended by striking "the daily rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code" and inserting "a rate established by the Secretary, not to exceed the maximum daily rate payable under section 5376 of title 5, United States Code".

H.R. 1757

OFFERED BY: MR. PAYNE

AMENDMENT NO. 7: At the end of the bill add the following (and conform the table of contents accordingly):

TITLE XVIII—MISCELLANEOUS PROVISIONS

SEC. 1801. ASSISTANCE TO THE DEMOCRATIC REPUBLIC OF CONGO.

Notwithstanding section 620(q) of the Foreign Assistance Act of 1961 or any other provision of law, assistance under chapter 1 of part I of the Foreign Assistance Act of 1961 (relating to development assistance) and under chapter 10 of part I of such Act (relating to the Development Fund for Africa) may be made available for the Democratic Republic of Congo.

H.R. 1757

OFFERED BY: MR. SANDERS

AMENDMENT NO. 8: After title XVII insert the following new title:

TITLE XVIII—SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA

SEC. 1801. SENSE OF CONGRESS REGARDING THE IMPRISONMENT OF NGAWANG CHOEPHEL IN CHINA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Chinese Government sentenced Ngawang Choephel to an 18-year prison term plus 4 years subsequent deprivation of his political rights on December 26, 1996, following a secret trial.

(2) Mr. Choephel is a Tibetan national whose family fled Chinese oppression to live in exile in India in 1968.

(3) Mr. Choephel studied ethnomusicology at Middlebury College in Vermont as a Fulbright Scholar, and at the Tibetan Institute of Performing Arts in Dharamsala, India.

(4) Mr. Choephel returned to Tibet in July 1995 to prepare a documentary film about traditional Tibetan performing arts.

(5) Mr. Choephel was detained in August 1995 by the Chinese authorities and held incommunicado for over a year before the Government of the People's Republic of China admitted to holding him, and finally charged him with espionage in October 1996.

(6) There is no evidence that Mr. Choephel's activities in Tibet involved anything other than purely academic research.

(7) The Government of the People's Republic of China denies Tibetans their fundamental human rights, as reported in the State Department's Country Reports on Human Rights Practices, and by human rights organizations, including Amnesty International and Human Rights Watch, Asia.

(8) The Government of the People's Republic of China is responsible for the destruction of much of Tibetan civilization since its invasion of Tibet in 1949.

(9) The arrest of a Tibetan scholar such as Mr. Choephel, who worked to preserve Tibetan culture, reflects the systematic attempt by the Government of the People's Republic of China to repress cultural expression in Tibet.

(10) The Government of the People's Republic of China, through direct and indirect incentives, has established discriminatory development programs which have resulted in an overwhelming flow of Chinese immigrants into Tibet, including those areas incorporated into the Chinese provinces of Sichuan, Yunnan, Gansu, and Quinghai, and have excluded Tibetans from participation in important policy decisions, which further threatens traditional Tibetan life.

(11) The Government of the People's Republic of China withholds meaningful participation in the governance of Tibet from Tibetans and has failed to abide by its own constitutional guarantee of autonomy for Tibetans.

(12) The Dalai Lama of Tibet has stated his willingness to enter into negotiations with the Chinese and has repeatedly accepted the framework Deng Xiaoping proposed for such negotiations in 1979.

(13) The United States Government has not developed an effective plan to win support in international fora, such as the United States Commission on Human Rights, to bring international pressure to bear on the Government of the People's Republic of China to improve human rights and to negotiate with the Dalai Lama.

(14) The Chinese have displayed provocative disregard for the concerns of the United States by arresting and sentencing prominent dissidents in close proximity to visits to China by senior United States Government officials.

(15) The United States Government policy seeks to foster negotiations between the Governments of the People's Republic of China and the Dalai Lama, and processes China to respect Tibet's unique religious, linguistic, and cultural traditions.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that—

(1) Ngawang Choephel and other prisoners of conscience in Tibet, as well as in China, should be released immediately and unconditionally;

(2) to underscore the gravity of this matter, in all official meetings with representatives of the Government of the People's Republic of China, United States officials should request Mr. Choephel's immediate and unconditional release;

(3) the United States Government should sponsor and promote a resolution at future meetings of the United Nations Commission on Human Rights and other appropriate international fora regarding China and Tibet which specifically political prisoners and negotiations with the Dalai Lama, until those situations in China and Tibet improve substantially;

(4) the United States Department of State should advise American citizens that Tibet is not currently a safe destination for American travelers;

(5) an exchange program should be established in honor of Ngawang Choephel, involving students of the Tibetan Institute of Performing Arts and appropriate educational institutions in the United States; and

(6) the United States Government should seek access for internationally recognized human rights groups to monitor human rights in Tibet.

EXTENSIONS OF REMARKS

FEDERAL EMPLOYEE HEALTH CARE PROTECTION ACT OF 1997

HON. DAN BURTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BURTON of Indiana. Mr. Speaker, I am pleased to introduce today, H.R. 1836, the Federal Employee Health Care Protection Act of 1997. This is significant legislation for our Federal employees and taxpayers because it will help strengthen the integrity and standards of the Federal Employees Health Benefit [FEHB] Program, and allow it to maintain its reputation as a high quality and cost-effective program. H.R. 1836 includes three main provisions that will improve and protect the FEHB Program. First, it gives OPM better tools to deal swiftly with health care providers who try to defraud or abuse the FEHB Program, second, it requires full disclosure of discounted rate agreements between health care providers and health benefit carriers to prevent the fraudulent use of such discounts, and third, it provides the same Federal health benefits coverage for Federal Deposit Insurance Corporation and Federal Reserve Board employees that other Federal employees have.

The FEHB Program is the largest employer-sponsored health insurance system in the country. In 1997, the $16 billion FEHB Program will insure more than 9 million Federal employees, retirees, and their dependents. Partial portability, no preexisting condition limitation, and an annual open enrollment period are facets of the FEHB Program that make it an extremely attractive health care system. The free enterprise-based program has effectively contained costs through private sector competition with limited governmental intervention. The program is often cited as a model of efficiency and effectiveness that the private sector and the public sector should attempt to replicate. The bill I introduced today will improve the program and its performance, without changing the market principles that are the key to the program's success.

One of the most important provisions of this bill addresses the debarment of health care providers engaging in fraudulent practices. This provision would strengthen the ability of OPM to bar FEHB Program participation by, and impose monetary penalties on, health care providers in the FEHB Program who engage in professional or financial misconduct. Under this bill, the administrative sanctions authority would conform more closely with the Medicare Program, particularly with regard to grounds for imposing sanctions and the general availability of post-termination appellant rights.

Another important component of this bill is that it would provide consistent health benefit coverage for employees of the Federal Reserve Board [FED] and the Federal Deposit Insurance Corporation [FDIC]. A number of years ago the FED decided to drop out of the FEHB Program and offer its employees a separate health care plan. Then, in 1993, the FED elected to abandon this health care experiment and offer its employees only FEHB health care options. However, under current law, all employees must have 5 years of continuous enrollment in the FEHB Program to carry their health benefit coverage into retirement. As a result a number of employees who retired during the years when the FED had its own health care system, and some employees currently approaching retirement, are not eligible for FEHB coverage. The FDIC faces a similar situation because it plans to eliminate its alternative health insurance plan at the end of 1997, and go with FEHB options. Without this legislation, the FDIC and the Board will have to establish a non-FEHB plan for those employees who are ineligible for coverage. This would be administratively burdensome and costly to these Federal agencies and, ultimately, to taxpayers. Under this proposal, these ineligible employees would be offered FEHB coverage at no additional cost to the Government.

The third key provision in this bill would require FEHB carriers and their subcontractors to disclose in writing any discounted rate contracts with health care providers. If carriers do not include the required disclosure, they will be prohibited from accessing discounts. I believe that this language is necessary because it will eliminate the practice of silent preferred provider networks [PPO's]. Under conventional PPO arrangements, networks offer enrollees discounted fees to use network providers, or preferred providers. However, under silent PPO's, these discounts are being applied to patients that are not contractually covered by the PPO network. I have great concerns over the ethics and legality of the practice of these types of organizations. The effect of such practices is to reduce carriers' free market bargaining power. It also undermines the value of, and jeopardizes the expansion of, legitimate PPO networks. According to the American Hospital Association, discounts paid to silent PPO's may account for as much as $1 billion in costs for providers throughout the industry. This type of abusive practice should not be allowed in the health care arena, and I believe that the language in this bill will address this problem and protect providers, patients, and legitimate PPO's.

I believe that the changes made in this legislative proposal are important to help improve and strengthen the FEHB Program. I urge my colleagues to join me in supporting this essential legislation.

STATEMENT BY PATRICK EDWARD HOULE, CANAAN MEMORIAL HIGH SCHOOL, REGARDING CENSORSHIP AND EDUCATION

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues, I would like to have printed in the RECORD this statement by a high school student from Canaan Memorial High School in Vermont, who was speaking at my recent town meeting on issues facing young people.

Mr. HOULE: Congressman Sanders, imagine if you will a world where you have personal choice and freedom to express your inner thoughts and soul through forms of art and media. It would be a world where if someone was offended, they would make the choice not to listen, but they would not try to suppress your right to express it. In this world everyone respects an individual's right to free expression and speech.

Recently K-Mart has said they refuse to sell CDS with offensive lyrics. This is blatant censorship. When someone tries to take away your right to hear something, it is censorship.

There have been many incidents in the United States recently in which censorship has become a factor. For example, in Arizona Newt Gingrich calls for the closing of the Flag Art Exhibit. In Florida a Cuban scholar's visit was canceled after a citizens protest. In Utah a printing company refused to reproduce photos for a women's magazine. In Michigan a "Where Do Queers Come From" exhibit at a local college was closed. And finally in Kentucky, "Blasphemous art" caused an outcry at the University of Kentucky. In school libraries Ernest Hemingway's novels are banned as are several good pieces of literature. Around the world films are banned and are censored. Film festivals and exhibitions are censored as well.

Our grounds for this censorship is broad and well-defined, but are speculative and opinionated. Unfortunately, opinions vary and freedom of speech is a right, but unfortunately rights are being ignored and opinions are preordained.

As you can see, censorship is alive and well in America where our First Amendment right is supposed to be enforced. It has gotten so bad around the world that the life of Salman Rushdie was threatened for writing The Satanic Verses. It's gotten so bad that we've had to turn to a porno king, Larry Flynt as a savior of the First Amendment right.

Basically what it comes down to is if it offends you, you can always turn the other cheek. Pornography even has its value. Some people just cannot live without their pornography, and if it was not for pornography they could be doing much worse things.

If you deny someone's right to see something or say something that they want to say, that eventually they are just going to explode.

I myself do not want a burned flag, but I think if someone wants to protest that way it should be allowed because I know myself I do not pledge allegiance to the flag, I pledge allegiance to the country.

In conclusion, one can censor a work of art but not the idea. The idea will fester and come out in a much more explosive, sometimes more violent way.

Thank you for your time, Congressman Sanders. We hope you help us fight for the cause in your position of leadership.

HONORING ST. MARTIN OF TOURS SCHOOL AS A BLUE RIBBON SCHOOL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STOKES. Mr. Speaker, I rise to honor St. Martin of Tours School in Maple Heights, OH, of my district, for being selected as a Blue Ribbon School. I would also like to recognize the school's principal, Mrs. Rozann Swanson, M.A.Ed., for the excellent leadership she has provided to the St. Martin of Tours academic community. This year, the U.S. Department of Education gave this prestigious award to only 263 public and private elementary and middle schools across the Nation in recognition of their effectiveness in meeting local, State, and national education goals.

St. Martin of Tours School is very deserving of this distinguished achievement. As we seek to improve education across the Nation, this school serves as a model of educational excellence. St. Martin of Tours School won the Blue Ribbon Award because of its high academic standards, warm and nurturing environment, innovative programs and methods of instruction, as well as parental involvement. This is a school where faculty, staff, students, and parents join together in community to ensure that the students are fully equipped for success in our changing global economy.

At St. Martin of Tours School, instruction is based on the goals of fully engaging the interest, thinking, and participation of students. Active learning lessons allow students to gain knowledge and understanding of subject matter by doing, acting, inquiring, and discovering. Teaching is respected as an art, and instruction is approached as much more than simply imparting factual information. Faculty serve as facilitators for their classes and carefully guide their students intellectual growth. Additionally, the school's curriculum is focused on building students' critical thinking and problem solving skills.

Mr. Speaker, I want to extend my best wishes to St. Martin of Tours School and offer congratulations to the students, faculty, and administration of St. Martin of Tours School in Maple Heights, OH, for their dedication, leadership, and standards of excellence.

A CONGRATULATORY STATEMENT TO SANJAY SHARMA

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DAVIS of Illinois. Mr. Speaker, I rise to congratulate Sanjay Sharma, a junior at St. Ignatius College Prep in Chicago, IL, who has been named a national winner for the 1997 Voice of Democracy Program for the State of Illinois, and the recipient of the $2,500 Troy and Sandy Rothbart Memorial Scholarship Award. Sanjay, who lives in Elmwood Park is the son of Ms. Prabha Sharma.

Sanjay was sponsored by the Veterans of Foreign Wars Post 1612 in Chicago, IL. The program requires high school student entrants to write and record a 3- to 5-minute essay on an announced patriotic theme. This year's theme, "Democracy—Above and Beyond," attracted over 109,000 students to participate in the competition nationwide.

The Voice of Democracy Scholarship Program was started 50 years ago by the National Association of Broadcasters, the Electronic Industries Association, and the State Association of Broadcasters, with the endorsement of the U.S. Office of Education. Starting in the 1958–59 program year, the Veterans of Foreign Wars became a secondary sponsor in cooperation with other sponsors.

Mr. Speaker, I would like to highlight a part of Sanjay Sharma's well-written essay on democracy.

Democracy is a form of government above and beyond all other forms of government because democracy explores our human essence. Democracy explores what it means to be an American and what makes each and every one of us who we are and who we can be. The United States of America has emerged as a pillar among nations, through the 220 years of ups and downs of its charismatic history. You can't help but realize that there has got to be something special about this democracy business. The power of democracy delves into our hearts, our minds, and our inner beings, revealing to us, that Destiny, Fate, and Choice are all the same breeze that floats over eternity and turns the windmill of our lives.

I am including the entire text of Sanjay Sharma's essay on democracy for the RECORD. All of us in the Seventh Congressional District of Illinois are rightfully proud of Sanjay Sharma.

"DEMOCRACY—ABOVE AND BEYOND"

(By Sanjay Sharma)

Democracy is a form of government above and beyond all other forms of government because democracy explores our human essence. Democracy explores what it means to be an American and what makes each and every one of us who we are and who we can be. The United States of America has emerged as a pillar among nations, through the 220 years of the ups-and-downs of its charismatic history. You can't help but realize that there has got to be something special about this democracy business. The power of democracy delves into our hearts, our minds, and our inner beings, revealing to us, that Destiny, Fate, and Choice are all the same breeze that floats over eternity and turns the windmill of our lives.

Inside each one of us there burns a flame of love, hope, and leadership; and from that flame, there shines a light of character and personality. This light, inside each of us, is enveloped by a cocoon of windows that are enclosed by shutters. One by one, Democracy throws up those shutters, opens those windows, and allows the light within us to shine forth.

Bringing freedom, responsibility, and opportunity into our lives, democracy challenges us to live up to our greatest individual potential and pool our talents and ideas together as a nation, in harmony and progress. And truly the glories of democracy guiding our inner strengths are exhibited in the events of our past and present and the prospects for our future.

Throughout history, an American legacy has taken shape from the past wonders of democracy. In the early foundations of the United States, the opportunities of democracy brought out a light of innovation and pioneering in the millions of immigrants who came from around the world and answered democracy's call by helping to build America. Esterian Mazzuca was a little girl when she arrived from Italy, when she returned to Ellis Island seventy-four years later, she came with eighty-one American descendants. In the 1960's the power of the freedoms of democracy was brilliantly displayed, as lights of unity and hope beamed forth from Martin Luther King, Jr. And his followers in their peaceful demonstrations against segregation. And in 1985, the responsibilities of democracy unveiled lights of goodwill and service in forty-five music celebrities who gathered together to record: "We Are The World" and donate the album's earning (almost $62 million) to the poverty-stricken nations of Africa. Now think, for a moment, about a time when you gathered together with others of the good of a common cause. The warmth and belonging you felt was the warmth of a ray of inner light shining from one of the opened windows inside of you—opened by the power of democracy.

The sands of time are piled in our hands, as memories are being made in our present day and age. In Missoula, Montana, when the children needed a merry-go-round, Chuck Kaparich started to carve the horses himself, and as the contagious democracy spread, soon schoolkids had collected one million pennies and grown-ups assisted in the carving. After four years of communal effort, Missoula has one heck of a merry-go-round. As a little girl performs with her class in their first school pageant, singing her heart out, a tear of joy falls from her parent's eye. The joyous teardrop—a beautiful symbol of the efforts, choices, and qualities which illuminate democracy. A grandmother and grandfather look high into the blackness of the night sky as a rocket scoots upwards, then disappears beyond the stars, only to burst forth in a fountain of blazing reds and blues, in the true fashion of a Fourth-of-July firework. As the night sky is lit up in celebration, there is, for a moment, a twinkle in their eyes—a symbol of the light with which democracy guides America.

As we look toward the future, we are awed by the dawn of a new century—the 21st century. The younger generations of Americans now must grow with democracy and kindle their own inner lights of unity, hope, and leadership shining in democracy's freedoms, responsibilities, and opportunities.

In its wonderful uniqueness, democracy finds a balance between absolute freedom and absolute control. The guiding light of democracy shines above and beyond, showing

us that even freedom does not come free; freedom and opportunity demand our devotion and perseverance—in turn, democracy challenges us to use our talents, ideas, and skills, to carry the nation to its greatest potential.

HONORING HEMPFIELD HIGH SCHOOL STUDENTS COMPETING IN THE "WE THE PEOPLE" FINALS

HON. JOSEPH R. PITTS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. PITTS. Mr. Speaker, today I would like to honor several students from Hempfield High School in Lancaster County, PA who have recently traveled to Washington to compete in the "We the People . . . The Citizen and the Constitution" national finals.

These Hempfield students—who were part of teacher Elaine Savukas's advanced placement government classes—won first and second place in the Pennsylvania "We the People" contest.

The "We the People" competition tests students' knowledge of the Constitution and the Bill of Rights—the two historic documents on which the country was founded.

I cannot emphasize enough the positive impact that gaining a solid understanding of the Constitution and the Bill of Rights will have on these gifted students.

It is vital that America's students follow the lead of those who so diligently studied, learned, and competed in the "We the People" national finals. By taking part in the competition, the Hempfield participants are true winners. Their work will benefit them and their communities long into the future.

Mr. Speaker, I want to congratulate the government students from Hempfield High School and we wish them the best in their futures.

TRIBUTE TO DR. JEFFREY MEILMAN

HON. JACK QUINN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. QUINN. Mr. Speaker, I rise today to pay tribute to Dr. Jeffrey Meilman. For almost 70 years, Variety Clubs International and their thousands of members worldwide have led the fight to aid sick and handicapped children. Variety Clubs legendary fundraising efforts have helped build hospitals, schools, and playgrounds bringing countless untold joy to young people and their families.

Each year Variety Clubs holds an International Convention to share new ideas and give special recognition to those individuals who have merited distinguished achievement. This year, one of my constituents, Dr. Jeffrey Meilman, was honored with Variety's Sir James Carreras Award. This prestigious honor recognizes those physicians whose dedication and skills in pediatric medicine is truly exceptional.

Dr. Meilman has provided plastic surgery to countless children throughout the world, many times at his own expense. The result is that through the skillful hands and extraordinary care provided by Dr. Meilman, children in the United States, China, Poland, and throughout the Third World have had the opportunity for their physical health and emotional well being to be restored.

Mr. Speaker, today I would like to bring Dr. Meilman's superlative achievements to the attention of my colleagues in the House, and ask that they join me in expressing our heartfelt appreciation to Dr. Jeffrey Meilman and Variety Clubs International. May they continue to work together to utilize their God-given talents to save the lives of so many of our children.

TRIBUTE TO CATHY MAGUIRE

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BERMAN. Mr. Speaker, I am honored to pay tribute to my good friend Cathy Maguire, who has just completed a 1-year term as president of the San Fernando Chamber of Commerce. Under Cathy's dynamic leadership, the chamber strengthened the ties between businesses and residents in the city of San Fernando. She will be a tough act to follow.

Anyone who knows Cathy—and there are a lot of us—is not surprised by her successful tenure as chamber president. She is a very hard worker, as well as a regular presence at business and community events throughout the San Fernando Valley. I am amazed at her energy and impressed by her dedication.

The San Fernando Chamber is only one of many organizations to have been the beneficiaries of Cathy's leadership skills over the years. For example, she is also on the board of directors of the Valley Industry and Commerce Association; a member of the Community Advisory Board of El Nido Family Services, San Fernando Valley; president of Soroptimist International, San Fernando Valley; and a member of the board of directors of New Directions for Youth.

In addition to her outside activities, Cathy is district manager for the Southern California Gas Co., where she plays a key role in strategic planning and implementation, financial management and marketing and advocacy. Indeed, the gas company is fortunate to be represented by a person as devoted and personable as Cathy.

I ask my colleagues to join me today in saluting Cathy Maguire, whose selflessness and spirit are an inspiration to us all. I am proud to be her friend.

TRIBUTE TO JUDGE RUDOLPH A. SACCO

HON. JOHN W. OLVER

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. OLVER. Mr. Speaker, balancing the scales of justice is often a very difficult task. The work of a judge is demanding, complex, and difficult, and it takes a very rare breed to handle the job successfully.

I am honored to have such a judge within the First Congressional District of Massachusetts. During his 23 years on the bench, Probate Court Judge Rudolph A. Sacco has admirably served the citizens of western Massachusetts.

A Boston College and Suffolk Law School graduate, Judge Sacco has never forgotten where he comes from. As an alumnus of Pittsfield High School, Judge Sacco returned to Berkshire County with his degrees, prepared to give back to the community.

After some years in private practice, Judge Sacco was appointed as a special probate judge in 1973. He flourished in that part-time position, and was named a full judge in 1979.

As probate judge, Rudolph Sacco has logged thousands and thousands of miles traveling the beautiful landscape of western Massachusetts. His territory not only covered his home Berkshire County, but Hampshire, Hampden, and Franklin Counties as well. But Judge Sacco has done much more for his community than doling out justice. In 1957, He—along with his wife, the former Katherine Turschmann—founded Camp Karu, a day camp for area children.

Judge Sacco is also a proud father and grandfather, and has been an inspiration to his family.

I join with the Berkshire, Hampden, Hampshire, and Franklin Bar Associations, as well as the Massachusetts Bar Association, in saluting Judge Sacco for his 23 years of dedicated service. I join with the members of the legal community in recognizing his achievements and in hoping that he will continue to offer his talents to western Massachusetts and the court system.

Probate Judge Rudolph A. Sacco serves as an inspiration to his community and the upcoming crop of members of the bench. I would like to express my best wishes to Judge Sacco and his family at this special time. His contributions will never be forgotten.

AMERICAN CANCER SOCIETY—ORANGE COUNTY RELAY FOR LIFE

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Ms. SANCHEZ. Mr. Speaker, I rise today to address my colleagues about an issue that affects every family in this country. I am certain that all of you have a friend or relative, as I do, that has been afflicted by the scourge of cancer. Cancer is a disease that does not discriminate, it strikes every race, every economic level, every age, and every ethnic

group. In 1997 alone we can expect over 130,000 new cases of cancer to be diagnosed, and that will be in the State of California alone.

However, in the war against cancer, we are beginning to see success. Effective and dedicated organizations such as the American Cancer Society are leading the fight in the battle for a cure. For the first time in history, overall death rates from cancer are actually declining, and with an enhanced nationwide effort, the cancer death rate could be cut in half by the year 2015. A major part of that nationwide effort is the contribution of the Orange County American Cancer Society, which served over 5,000 cancer patients in the county last year.

On June 20 and 21, 1997, the Orange County American Cancer Society will hold its annual Relay for Life to raise awareness of the disease and call attention to the work of the American Cancer Society. Community colleges from around Orange County will host teams of runners and walkers competing against each other to raise money for cancer research. Each team will field from 15 to 20 runners. For 18 hours, one team member will be on the track at all times, walking, jogging, or wheelchairing in 30-minute intervals. During the race an all night vigil entitled "The Mile of Hope" will take place to honor cancer survivors and those who have lost their battles against cancer. The Relay for Life is sure to be an enlightening and consciousness raising event. It is the only relay event that raises money for the American Cancer Society in Orange County. I am pleased to call attention to the event and I wish to commend the Orange County American Cancer Society for its work on behalf of our families. I look forward to its continued efforts in the areas of cancer research, education, advocacy, and service.

DEATH OF AUDLEY "QUEEN MOTHER" MOORE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. RANGEL. Mr. Speaker, I rise to pay respect and tribute to Audley Moore, affectionately known as Queen Mother Moore, who died in a Brooklyn nursing home on May 2 at the age of 98. She was given the honorary title of "Queen Mother" by an Ashanti tribe in Ghana.

Mother Moore lived a long and active life, dedicated to public service and improvement of the lives of African-Americans. Born on July 28, 1898 in New Iberia, LA, to second generation freed blacks, she became a revered public figure in Harlem, best known as an advocate for Africa and African-Americans. Moore's ideas and teachings of Pan-African Nationalism was influenced by great political personalities such as W.E.B. DuBois and Marcus Garvey. As a civil rights activist, Mother Moore worked on the defense of the Scottsboro boys. Internationally, she spoke on her disapproval of the Italo-Ethiopian war.

"I am not a part-time struggler," she once said. "I'm in the movement for the liberation of African people full-time, 7 days a week, 24 hours per day, for life."

Her career was influenced by the violence and hatred she endured as a young child and young woman. While in the fourth grade, Moore's parents died and thus ended her formal education. During World War I while in Alabama, Moore was a volunteer nurse who involved herself in the first of her movements for the equality of blacks by organizing support services for black soldiers that were denied by the Red Cross.

Mother Moore was drawn to the idea of black nationalism and economic independence by the oratory of Marcus Garvey, founder of the Harlem-based Universal Negro Improvement Association. She became an active member of the organization, and founded the Harriet Tubman Association to better the conditions of black women. Through this organization, Moore advocated issues such as higher wages, better education, and the lowering of food prices to help improve the conditions of the poor. Following her brief membership in the Communist party—at the time, the only organization that accepted her radical ideas—she focused her attention on seeking economic reparations for descendants of the victims of slavery, cultural identity, and education. She launched a national campaign in support of economic reparations. Moore believed that economic reparations were the first constructive step in black nationalists ideology.

As an orator, her rhetoric on this issue was powerful—

> Ever since 1950, I've been on the trail fighting for reparations. They owe us more than they could ever pay. They stole our language; they stole us from our mothers and fathers and took our names from us. They worked us free of charge 18 hours a day, 7 days a week, under the lash for centuries. We lost over 100 million lives in the traffic of slavery.

In 1962, Mother Moore met with President John F. Kennedy, the United Nations, and the Congressional Black Caucus about the issue of economic reparations. She later organized and directed the Reparations Committee of Descendants of United States Slaves.

One of her last public appearances was at the Million Man March in Washington, DC. Although weak, her poignant speech was delivered by an associate. Her presence was strongly felt and appreciated.

Queen Mother Moore's contributions have had a substantial impact on the lives of Africans and African-Americans. She has served as an inspiration to many and will be greatly missed. I send my deepest condolences to her son, Thomas, grandchildren, and great-grandchild.

TRIBUTE TO DR. GERALD S. LAZARUS

HON. VIC FAZIO

OF CALIFORNIA

HON. ROBERT T. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. FAZIO of California. Mr. Speaker, my colleague, Mr. MATSUI, and I rise today to pay tribute to Dr. Gerald S. Lazarus, who is stepping down as dean of the School of Medicine at the University of California at Davis, a position he has held since 1993.

A graduate of Colby College and the School of Medicine at the George Washington University, Dr. Lazarus has established an outstanding reputation in the field of dermatology. His work within this discipline includes a residency at the University of Michigan, as well as the position of chief resident in dermatology at Harvard Medical School from 1969 until 1970.

From 1975 until 1982, Dr. Lazarus held the post of chairman of the division of dermatology at the Duke University Medical Center. Following his time in North Carolina, Dr. Lazarus was the Milton B. Hartzell Professor and Chairman of Dermatology at the University of Pennsylvania School of Medicine in Philadelphia from 1982 until 1993.

In 1993, Dr. Lazarus, by then a nationally known figure in academic medicine, assumed the high position of dean of the School of Medicine at UC Davis, and professor in the departments of dermatology and biological chemistry. Dr. Lazarus' leadership at Davis quickly enhanced the medical school's already superior academic standing.

In March 1996, Dr. Lazarus accepted the UC Davis Annual Affirmative Action and Diversity Achievement Award, a worthy recognition of his steadfast commitment to diversity among medical students.

Also in 1996, Dr. Lazarus' alma mater honored him in Washington, DC, with the George Washington University's Distinguished Alumni Achievement Award. This distinction acknowledged his ascension to the very highest levels of academic medical excellence.

While administering one of the Nation's finest medical schools, Dr. Lazarus has also found time to author extensive scholarly publications in numerous academic journals. He has penned more than 125 original papers, including a number of books, during an amazingly prolific career.

His leadership also extends to a variety of professional medical and scientific associations. Dr. Lazarus is currently president of the Society of Investigative Dermatology, as well as a member of the American Society for Clinical Investigation and the American Association of Physicians.

Mr. Speaker, throughout his long and successful career Gerald Lazarus had shown himself to be a great asset to every prominent academic institution with which he has been affiliated. This is certainly true of his tenure at the UC Davis School of Medicine.

On the occasion of his departure from the dean's office at the UCD Medical School, we ask our colleagues to join us in saluting Gerald S. Lazarus, M.D., a remarkable educator, physician, and citizen. Let us wish him every success in his future academic endeavors.

STATEMENT BY SANU MISHRA, BRATTLEBORO HIGH SCHOOL, REGARDING SWEATSHOP LABOR

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed

in the RECORD this statement by a high school student from Brattleboro High School in Vermont, who was speaking at my recent town meeting on issues facing young people.

MS. MISHRA: Good morning, Congressman Sanders. I have come here today to speak about the issue of sweatshops.

The dictionary defines a sweatshop as a factory where workers work long hours for low wages under unwholesome conditions. You know as well as I that this type of work exists today and it is being used by many rich and famous companies. I would like to focus on one particular company, Disney, and its factories in Haiti.

Disney exploits thousands of people in Haiti every day. It hires the Haitian people to work in its sweatshops, paying them only 28 cents an hours, requiring them to strive toward fairly impossible quotas and keeping them from ever being able to change their conditions.

How much responsibility does a company like Disney have for the wellbeing of its employees? According to the United States government the responsibility is large. Corporate codes of conduct guarantee the human rights of any person working for a U.S. company be it in the U.S. or abroad.

Trade benefits are given to Disney by the U.S. and Haiti on the condition that there is respect for human rights, but while Disney enjoys the tax exemptions, it doesn't live up to its part of the bargain. 28 cents an hour is not a living wage. Disney knows this, its manufacturers know this. While it may indeed be the minimum wage in Haiti, we must ask ourselves is it enough for a person to survive?

If you believe as does Disney that it is not an essential, that it is an essential part of everyday life to eat, that education isn't important and that diseases such as malaria and dysentery can be fought off without even medicines then 28 cents is more than enough. But if you would agree that living on sugar water, going to bed hungry and being in constant debt is unfair and not right, then you would side with the Haitian workers.

The average Haitian Disney employee after paying off all her debts she possibly can comes home to her family with little more than $3 in her pocket. Keep in mind that the cost of living in Haiti is just about the same as it is in the U.S. Imagine having to survive on $3 a week, 44 cents a day. 44 cents cannot buy a can of Campbell's soup, it cannot buy the $2 used pair of shoes that one of your children is in desperate need of.

The Haitian workers are not being extravagant in their requests, asking for a 30 cent pay raise from 28 to 58 cents an hour. Right now the workers are receiving less than one half of one percent in the total cost of the merchandise they make, earning 7 cents for every $11.99 pair of Pocohontas pajamas they sew. If granted their request they would be earning 9 cents out of every $11.97 pair of pajamas they sew; that is a two cent difference. This would still leave Disney, the contractors and Walmart with over 99 percent of the profit.

Disney can afford to give a pay rise for its Haitian workers. It pays its CEO, Michael Eisner over $10,000 an hour; $10,000 compared to 28 cents. It would take a worker in Haiti sewing Disney clothes 14 and a half years to earn what Michael Eisner earns in one hour, and 29,000 years to earn what he earns in one year.

Finally, raising the wages of the Haitian workers would not only be beneficial to the workers themselves but to U.S. residents as well. A person earning 28 cents an hour who cannot even afford to feed her own family cannot afford to buy products made in the U.S.

I urge you, Congressman Sanders to look into the dealings of Disney in Haiti; I urge you to put pressure on companies such as Disney to stop the use of sweatshops; I urge you to get Disney to live up to its responsibilities as an employer. The Haitian people deserve better.

In the case of Disney I know that in Grand Rapids there is a factory and Disney moved its company overseas and a lot of people in Grand Rapids lost their jobs. They had been working there for 20 years, as much as 20 years, and now they are without jobs, working at McDonald's or whatever they can find.

The problem is so immense and when I was researching I found that our tax money is going towards helping executives and business people in Haiti continue these sweatshops and I think that needs to be stopped. And I think that even though we have laws, the corporate codes of conduct, et cetera, they are not being followed, so we need people to watch out over these companies because obviously these companies are not doing it themselves.

Citizens, consumers can watch what they are buying if they see something made from Disney, look at where it is made, and if it is made in Haiti you know these people are working for so long and have such hard hours and they are not earning anything. They do not even have enough food to eat. You have to consider that. The clock is really nice, but do you really want to support a sweatshop in Haiti?

HONORING GESU CATHOLIC SCHOOL AS A BLUE RIBBON SCHOOL

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STOKES. Mr. Speaker, Mr. I rise to recognize the outstanding achievements of Gesu Catholic School in University Heights, OH, of my congressional district. Richard Riley, Secretary of the Department of Education has named Gesu Catholic School a Blue Ribbon School. This prestigious award is given to schools in recognition of excellence in teaching and learning. As one of only 263 public and private elementary and middle schools across the Nation to receive this honor, Gesu Catholic School should be commended as should its principal, Sister Mary Reiling, SND, for her strong leadership to the Gesu academic community.

Gesu Catholic School has a strong reputation for excellence in teaching and learning, family involvement, as well as a longstanding commitment to social justice and community outreach. In fact, every Gesu student participates in the gifted/enrichment program and is expected to achieve their maximum potential. Through a well rounded academic curriculum, supportive learning environment, and classroom experience that has been expanded beyond school walls, Gesu is helping its students gain a clear understanding of academic subjects and is teaching them to effectively and appropriately apply their knowledge to real experiences.

Secretary Riley honored Gesu Catholic School because it provides students with a safe, disciplined, and drug-free environment in which to pursue a challenging and rigorous academic experience. Gesu is a Blue Ribbon School because of the hard work of its students, the staunch commitment of its faculty and staff, and the continued support of its parents and graduates.

Mr. Speaker, I am very pleased to commend the faculty, staff, students, and parents of this fine academic institution. By joining their efforts together, the Gesu academic community is providing a tremendous education for many students in my district.

OCC PROF. JAMES MACKILLOP STEPS DOWN AS PRESIDENT OF AMERICAN CONFERENCE FOR IRISH STUDIES

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in congratulating James MacKillop as he steps down from his role of president of the American Conference for Irish Studies.

Professor MacKillop is in the English Department of Onondaga Community College. He has led with great energy and devotion a cultural group which conducts six scholarly meetings a year, awards three book prizes of $500 each per year, and distributes publications on Irish civilization in all its aspects.

With more than 1,600 members in the United States, Canada, and Ireland and a dozen other countries, the ACIS touches on a diverse range of instruction, from women's studies to archeology to discussions of recent Irish cinema.

Professor MacKillop is well known in my district for his association with our shared Irish heritage as well as for his excellence in academic pursuits at our prized community college. I want to wish him well in his further studies of the Irish and their ancestry and customs which have contributed so much to the evolution of our American culture.

THE CASE FOR A MUCH SMALLER MILITARY

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, in the June 23d issue of Fortune magazine, Doug Bandow of the Cato Institute has a concise coherent and persuasive statement of the case for a substantial reduction in U.S. military spending. At a time when we are facing drastic measures in various places to meet the widely shared goal of a balanced budget, we can afford even less than before tens of billions of dollars in unnecessary military spending. As Mr. Bandow notes, "the bulk of the Pentagon budget continues to fund Washington's Cold War alliances. For example,

through the North Atlantic Treaty Organization, 100,000 U.S. soldiers stand guard lest phantom Soviet divisions invade Europe * * * the final refuge of those who support big military budgets is 'leadership'. As Newt Gingrich puts it, 'you do not need today's defense budget to defend the United States. You need today's defense budget to lead the world'."

The notion that the United States must spend tens of billions of dollars a year for no valid military purpose but simply to enhance our world leadership, as Mr. Bandow goes on to point out, is simply wrong. Few dispute the importance of the United States being by far the strongest military power. What we are disputing is the need for us to spend tens of billions per year beyond what it takes to maintain that position for the nebulous privilege of leadership which, according to some apparently, we must purchase from our wealthy allies by subsidizing them.

Indeed, in the New York Times for June 4, an article noted that the Japanese plan to deal with their budget deficit by, among other things, further reducing their already very small military budget—secure, no doubt, in the knowledge that the United States taxpayers will provide.

I ask that Mr. Bandow's very thoughtful article be printed for the edification of Members as we debate the budget.

THE CASE FOR A MUCH SMALLER MILITARY

(By Doug Brandow)

How big a military does the U.S. need? The Pentagon, which recently completed its once-every-four-years review, thinks we need pretty much everything we've got. It proposes that we preserve the current force structure, pare manpower levels slightly, and allow inflation to slowly erode overall expenditures—all as if the Cold War had never ended. In reality, the nation's defense needs have changed very dramatically in recent years. The President and Congress should ignore the Pentagon's wish list and cut military spending much more deeply by more than a third.

Military spending is the price of our foreign policy, and after world War II that policy was dictated by the threat of an aggressive Soviet Union and its satellites. All told, America spent more than $13 trillion (in today's dollars) to win the Cold War. But starting in 1989, all the old assumptions collapsed. The Central and Eastern European states overthrew communism, the Berlin Wall fell, and the Warsaw Pact dissolved. The Soviet Union itself disappeared. A foreign policy and force structure designed to deter Soviet aggression suddenly became obsolete.

But U.S. military spending did not change accordingly. Outlays have fallen, but only from the 1985 peak caused by the Reagan defense buildup. Adjusted for inflation, expenditures today remain above those of 1980. President Clinton is spending more now than Richard Nixon did in 1975 and almost as much as Lyndon Johnson did in 1965. The U.S. spends more than three times as much as Moscow, and nearly twice as much as Britain, France, Germany, and Japan combined.

Although the world remains a dangerous place, it is not particularly dangerous for the U.S. observed Colin Powell when he was chairman of the Joint Chiefs of Staff. "I'm running out of demons . . . I'm down to Castro and Kim Il Sung."

The bulk of the Pentagon budget continues to fund Washington's Cold War alliances. For example, through the North Atlantic Treaty Organization (NATO), 100,000 U.S. soldiers stand guard lest phantom Soviet Divisions invade Europe. It's not as if the Western Europeans, with a combined population of 414 million GDP of $7.4 trillion, couldn't defend themselves against Russia, with 149 million people and a $1.1 trillion GDP, Britain, France, and Germany together spend 25% more on the military than Russia, which just announced a further cut in defense outlays. It is time for the Europeans to take over NATO. There is *certainly* no need to expand NATO into Central and Eastern Europe. The old Eastern Bloc needs access to Western markets, not Western soldiers. And America has no vital interest that warrants guaranteeing the borders of Poland, say, or Hungary.

The case for maintaining 100,000 soldiers in East Asia is equally dubious. South Korea has 20 times the GDP and twice the population of North Korea, U.S. citizens spend more than the South Koreans to defend South Korea.

No new threats loom on the horizon. Germany and Japan remain feared by some alleged friends, but neither is likely to declare war on one of its powerful neighbors—many of whom now possess nuclear weapons. China is growing but seems assertive rather than aggressive. Its military expansion has been measured. Brazil, India, and other nations may eventually evolve into regional military powers, but the U.S. has no quarrels with them and can adjust its policies over time if necessary. Outlaw states like Iraq and North Korea pose diminishing conventional threats that should be contained by their neighbors, not by America.

The final refuge of those who support big military budgets is "leadership." As Newt Gingrich puts it, "You do not need today's defense budget to defend the United States. You need today's defense budget to lead the world."

But do you, really? The U.S., after all, has the largest and most productive economy. It is the leading trading nation. Its constitutional system has proved to be one of the world's most durable. Its culture permeates the globe. Perhaps an outsized military isn't required for "leadership." Indeed, even significant budget cuts would still leave Washington with the world's biggest and best military.

No one wants America to be weak, which is why spending on training and technology should remain priorities. But we're ready for a radical restructuring—from, for instance, 1.5 million to 900,000 servicemen, 12 to six aircraft-carrier battle groups, and 20 to ten tactical Air Force wings. The military budget could be cut to some $170 billion from today's nearly $270 billion.

TRIBUTE TO ROBERT DOYLE

HON. ALLEN BOYD

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BOYD. Mr. Speaker, I rise to celebrate the 28th birthday of Robert Doyle, a loyal member of my staff. As a lifelong, faithful Democrat, Bob has served the party with tireless dedication.

Bob's interest in politics began at a young age. His 3-year service as his high school's class president began a noteworthy career in politics. Bob has also worked on several political campaigns including Leader GEPHARDT's Presidential campaign and the Maryland gubernatorial election. In his most recent venture, Bob managed my own successful congressional campaign this past November. He has worked for the office of the majority leader in the Florida State House of Representatives, and as vice president of the Windsor Group, a political consulting firm in Tallahassee.

Bob and I quickly became friends during my time in the Florida Legislature and while working together on the campaign trail. He is like family to me and I am proud to rise today to wish him all the best on his 28th birthday.

STATEMENTS BY JULIE LUDLUM, EMMA STANLEY, JAMIN WHITEHEAD, AND RACHEL REPSTEAD, ENOSBURG HIGH SCHOOL, REGARDING SCHOOL CHOICE

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Enosburg High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

MS. LUDLUM: Good afternoon, Congressman Sanders. It is generally acknowledge that an educated citizenry is a desired thing for the United States. It is needless to say that it is imperative in this age of globalization. Through it the skills, knowledge and value of our democratic capitalistic system are imparted to the next generation, thus enabling us to better compete globally. However, many American public schools are not adequately preparing their students. Too many graduates of American high schools are ill prepared to compete in the global marketplace. The question is how best to fix this?

MS. STANLEY: There are many educational models, theories and philosophies to make public schools more effective. While educational theorists, politicians and practitioners are locked into a constant tug of war over the most effective practices to follow. Students needs and wants are not being met. Without a school choice most students are simply along for the ride. Those who wish to get a education which meets their needs and wants must wait until they graduate from high school. At that point they can, within the limits of their financial needs, attend the school of their choice. But why wait until then? why not extend school choice to all high school students or for that matter to all students?

MR. WHITEHEAD: To an extent we in Vermont are afforded school choice. The current practice of some communities of paying tuition for their students to attend middle and high schools elsewhere is defacto school choice. Unfortunately, that is only available for students who do not have a middle or high school in their own communities.

We know that for many of these communities it was originally a decision driven by economics. However, some of these communities have since grown, yet have chosen not to build their own middle and high schools. Why not? To do so would mean giving up school choice. So now the question is how

could making school choice available to all students help public schools better accomplish their missions? What else would be needed to make it work?

Ms. REPSTEAD: Enosburg Junior and Senior High School benefits from this kind of school choice. Our high school is a small, rural middle and high school which serves 475 students from six nearby communities. Approximately one-fourth of the student body is in the middle school and the remainder of the student body is almost evenly split between resident and tuition students.

We recently conducted a random study on the question of school choice. We asked 64 students in grade 6 through 12 to rank how they felt about school choice and in what grade or grades that should be an option and what form it should take. The results were overwhelmingly in favor of school choice by a margin of 95 percent to 5 percent. When we exclude the middle grades from the survey the approval rate was even higher, 98 percent to two percent. The few students who did not favor school choice were from the community of Enosburg. The most obvious explanation is loyalty. Tuitioned students unanimously supported school choice. When considering responses concerning the grade level in which school choice would be an option we noted that most students felt it should be available beginning the year they were in.

Ms. LUDLUM: We feel that a voucher program is the only choice to makes school possible, affordable and effective. We should extend to all Vermont the option of school choice. Families can make the types of educational choices they need and want. It would force public schools to be more competitive as well as stimulate the development of magnet and charter schools. Each of the latter two makes it possible through a variety of educational models to be tested in the marketplace. They would essentially function as working models that public schools could emulate.

The people that are supporting it would have to say that the public schools would have to get better, individual public schools would have to get better because if they didn't nobody would attend the schools that weren't up to the higher standards. Some people say that if public money is going to private schools then the private schools would lose control and the government would be able to issue mandates on them.

In support of school choice people say the competition will make public schools improve because if they do not improve they wouldn't get any money from those students who attend, but in opposition, some people say that private schools receiving governmental funds would not be a good thing because the government might then issue mandates and then would lose what makes them private schools.

Mr. WHITEHEAD. A student who chooses not to go to Enosburg whether they are from Enosburg or not, if they are from a different town from Enosburg their town would pay for it and they would pay as much or roughly as much as they would pay for a public education to Enosburg.

TRIBUTE TO AMBASSADOR DICK CARLSON

HON. HENRY BONILLA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BONILLA. Mr. Speaker, I rise today to pay tribute to Ambassador Dick Carlson, the former president of the Corporation for Public Broadcasting [CPB]. Ambassador Carlson's strong leadership and commitment guided the CPB during its most turbulent years.

Ambassador Carlson brought his broad experience as a journalist and former news anchor in Los Angeles and as a public servant under the Reagan and Bush administrations to the CPB. He served in the Reagan and Bush administrations as director of the Voice of America and was appointed as Ambassador to the Seychelle Islands by President Bush. The unique combination of diplomatic skills, knowledge of journalism, and broadcasting, and wideranging contacts proved to be a powerful attribute for successfully leading CPB for the last 5 years.

Ambassador Carlson leaves a legacy of commonsense reform at CPB at a time when Congress is moving to balance the budget. Under his leadership CPB moved in the direction of becoming a system of greater efficiency. He helped bring improved ideological balance to the CPB.

CPB should continue in the direction Ambassador Carlson has set out. Following in Ambassador Carlson's footsteps to bring modernization to the CPB as we encounter the 21st century will protect the future of public broadcasting. We salute him and thank him for a job well-done.

TRIBUTE TO IRMO ELEMENTARY SCHOOL

HON. FLOYD SPENCE

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SPENCE. Mr. Speaker, as the 1996–97 school year comes to a close, I would like to take this opportunity to bring to the attention of my colleagues the achievements of Irmo Elementary School, in Irmo, SC. This outstanding school was one of only two South Carolina elementary schools to receive the Carolina First Palmetto's Finest Award for 1996–97.

The students at Irmo Elementary School consistently score above the State average on standardized tests, and, each school year, since the 1988–89 school year, the school has received either the Education Incentive Award or an Honorable Mention from the South Carolina Department of Education. Irmo Elementary School is guided by its mission statement, which is: "The mission of our school, where excellence is tradition and learning has no boundaries, is to ensure that each child is motivated to achieve his or her full potential through diverse and challenging educational programs that demand superior achievement, provide a foundation for lifelong learning, and instill the desire to become a productive member of society."

Mr. Speaker, I would like to take this opportunity to commend the faculty, administration, and students of Irmo Elementary School, as well as the parents of the students, a dedicated school board, and a strongly supportive community, on the environment of excellence that they have established. It is clear that the students at this fine school are being prepared to meet the challenges of the 21st century.

HONORING LAWRENCE WILLIAM WALSH

HON. WILLIAM F. GOODLING

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. GOODLING. Mr. Speaker, I rise today to honor one of my constituents, Mr. Lawrence William Walsh, who will retire on July 3, 1997, after nearly 40 years of distinguished public service in the Federal Government.

Mr. Walsh began his career in 1958 with the Civil Aeronautics Administration and most recently served as manager of the Federal Aviation Administration's [FAA] Airports District Office in Harrisburg, where he directed the development of public airports in Pennsylvania and Delaware. He administered a total of 1,262 grants representing $970 million in Federal funds for airports in Pennsylvania and Delaware.

Mr. Walsh has been recognized for his superior performance and has received many commendations during his tenure with the FAA. These awards include: the Airports Division Employee of the Year, Regional Administrators Human Relations Award, Aviation Council of Pennsylvania Achievement Award, and the Regional Administrator's STAR Award.

Mr. Speaker, I am pleased to have the opportunity to honor Mr. Walsh's long record of service and excellence. His dedication to his career and his country is most worthy of special recognition. On behalf of the residents of Pennsylvania's 19th Congressional District, I wish him the very best on his retirement.

TRIBUTE TO PAUL CRONIN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. MEEHAN. Mr. Speaker, at just 12 years of age, Paul Cronin knew he wanted to serve the Commonwealth of Massachusetts. Through hard work and dedication, Paul was able to achieve his dream. He served his hometown, Andover, MA, first as a Selectman and then at age 24 as a State Representative, making him the youngest elected official in the State at the time. His career in public service culminated when he was elected to represent the Massachusetts Fifth District in the U.S. House of Representatives, the seat I now hold.

Paul Cronin passed away on April 5, 1997, at just 59 years old, after a lengthy battle with cancer. It was an especially sad day because just 4 months earlier another great man from the fifth district was taken from us, Paul Tsongas.

Like Tsongas, politics did not consume Cronin's life. Paul Cronin gave unselfishly of himself to his community. He was particularly proud of his long association with the Lawrence Boys and Girls Club, which named its new girls' gym for his mother, Anna Marie Cronin, only after Paul declined the honor for himself.

His career and personal life were marked by optimism and achievement and he faced death as he faced life, with dignity, courage, and perseverance.

PORTER MAGNET SCHOOL DESIGNATED TITLE I DISTINGUISHED SCHOOL

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. WALSH. Mr. Speaker, I want to bring to my colleagues' attention today the significant accomplishment of the Porter Magnet School of Technology and Career Exploration in Syracuse, NY. Porter was recently designated by the Federal Government as a distinguished school.

This elementary school is 1 of 100 schools nationally and five statewide to be commended for the high performance of the students and the innovation of instruction. Porter is the only school in the Syracuse area to receive the commendation.

Many of the programs at Porter are innovative. They involve parents in creative ways, such as communication through audio and visual tapes in instances where literacy at home is a question. The faculty, led by Principal Octavia Wilcox, has worked hard to produce a learning environment which challenges the students. Using tax dollars wisely in pursuit of high standards in education is a top priority.

Every student at Porter takes music, and any student can take piano lessons during school time. They have a pottery wheel in the art class. They have sophisticated computers and their own news team which videotaped a recent visit I made.

But more importantly than the hardware, Porter prides itself in a philosophy. Every child can learn. Parents must be involved. Excellence is worth pursuing.

Principal Wilcox says the faculty tries to compete with other forces, negative forces, for students' time. The curriculum stresses the future and the students are taught to think about what comes next—the next level of education and then careers.

I am very proud to congratulate the Syracuse School District in general for its support of programs like the one at Porter School.

IF NATO IS EXPANDED, OUR ALLIES MUST PAY MORE OF THE COSTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, I would like to make a few observations today about the European Security Act (H.R. 1758), which authorizes United States taxpayer dollars to prepare the Baltic States for NATO expansion. Let me begin with a quote by former United States Secretary of State, Lawrence Eagleburger, from the Bush administration, commenting on NATO expansion and the Baltic countries:

> If we ever think of bringing the Baltic countries into NATO we ought to have our heads examined. First place, it would be a real threat—threat maybe not but a real challenge—to the Russians. Think about the commitment to defend them—we couldn't do it even if we were the only superpower in the world, which we seem to be.

First of all, Russia clearly perceives that the expansion of NATO into the Baltics would be an aggressive, wholly unjustifiable move by the United States. On May 22, 1997, President Boris Yeltsin's spokesman, Sergei Yastrzhembskii, stated that if NATO expands to include Former Soviet Republics, Russia will review all of its foreign policy priorities and its relations with the West. Since the cold war is over, why are we militarily provoking Russia?

Second, how much more are we going to ask United States taxpayers to ante up to defend Europe in an expanded NATO with a still undefined mission? The total price tag is estimated at anywhere from $27 billion to $150 billion over the next 10 to 12 years. The Congressional Budget Office has estimated that the cost of NATO expansion will be between $60.6–$124.7 billion over 15 years. Don't forget that we have already paid $60 million through the NATO Enlargement Facilitation Act in order to assist Poland, the Czech Republic, Hungary, and Slovenia in bringing their Armed Forces up to NATO standards.

Lastly, I am also concerned about reports that several of the prospective new NATO member states have been involved in arms sales to terrorist countries. For example, Poland has made five shipments to Iran of T–72 tanks, equipment and trainers, Slovenia sent M–60 tanks to Iran, and Bulgaria sent North Korea 15 tons of explosives.

After four decades of the cold war and trillions of United States taxpayer dollars allocated to compete in the arms race, many of our constituents understand that it is not the time to continue wasting tens of billions of dollars helping to defend Europe, let alone assuming more than our share of any costs associated with expanding NATO eastward.

Mr. Speaker, in the words of New York Times columnist Thomas Friedman, "We [get] nothing for NATO expansion but a bill."

APPOINTMENT OF REPRESENTATIVE THOMAS FOGLIETTA AS U.S. AMBASSADOR TO ITALY

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor one of the House's most distinguished Members, Representative THOMAS FOGLIETTA of Pennsylvania, for his upcoming appointment by the President as the next U.S. Ambassador to Italy. This is an extraordinary and well-deserved honor for a true gentleman who has given four decades of his life to public service.

Since his election to the House of Representatives in 1980, TOM FOGLIETTA has been a tireless fighter for his constituents in Philadelphia and Delaware County. As a member of the Appropriations Committee and a leader of the Urban Caucus, he has protected city jobs, helped restore Independence Hall, and put more police on the streets.

Perhaps just as important to his new duties, TOM FOGLIETTA has also been on the forefront of global affairs. He has worked to provide famine relief to starving people overseas and has never hesitated to speak up against tyrants around the world.

Only in America could the grandson of immigrants who came from Italy over 100 years ago live the dream of representing the birthplace of this Nation's freedom in the Halls of Congress and go on to serve his country as its representative in the land of his family's heritage. TOM FOGLIETTA is an outstanding example of what is possible for those who serve the United States with honor and distinction.

Mr. Speaker, Washington's loss is Italy's gain. Congress will undoubtedly be a lesser place when TOM FOGLIETTA takes his intelligence, dedication, integrity, and charm to Italy. I ask my colleagues to join me in extending best wishes and a fond arrivederci to TOM FOGLIETTA as he stands ready to embark on another exciting chapter of his career, and insert the following editorial from the Philadelphia Inquirer to be included for the RECORD.

[From The Philadelphia Inquirer, May 28, 1997]

ARRIVEDERCI—TOM FOGLIETTA HAS EARNED HIS NEW JOB. LET'S HOPE HIS SUCCESSOR SERVES THE REGION AS WELL AS HE DID

After four decades of public service, Tom Foglietta richly deserves a job that melds diplomacy and la dolce vita: U.S. ambassador to Italy. So even though the Philadelphia area stands to lose its most senior member of the U.S. House, his constituents in the city and in Delaware County can still salute the (unofficial) news that he's headed for Rome.

Mr. Foglietta has worked hard for the needs of Philadelphia and other cities. As a member of the Appropriations Committee since 1993 and as a prime mover of the Urban Caucus, he's tried to aim more federal dollars at urban needs. His local causes have included protecting jobs at the Navy Yard, reversing the neglect of Independence Hall, and funding more police for the city of Chester.

Not all of his votes on pocketbook issues have been dead-on. He backed the Clinton economic package, tax hikes and all, but loudly opposed the modest, Penny-Kasich spending cuts. He sided with labor over consumers by voting against NAFTA.

But Mr. Foglietta is more than a bring-home-the-bacon guy. He's been a leading voice against despots around the globe. He's been as committed to famine relief in Africa as he was to food assistance at home.

A fair assessment of Mr. Foglietta's contributions must look beyond his specific stands on issues. In a city renowned for political corruption, Mr. Foglietta stood against the tide.

Running for Congress as an independent in 1980, he beat the comeback bid by Democrat Michael "Ozzie" Myers, who had been expelled from the House after being convicted of taking an Abscam bribe. In 1984 and 1986, Mr. Foglietta turned back strong challenges by a future felon: then-Councilman James Tayoun.

Endorsing him for Congress in 1980, this Editorial Page called Mr. Foglietta

"sensitive and intelligent and convincingly committed to public service."

Ideally, Mr. Foglietta's successor would share his fervor for urban needs, his commitment to human needs and human rights, his people skills and intelligence, his ethics. And voters would be the ultimate judge of that if he were retiring at the end of a two-year term.

Unfortunately, the vacancy will be filled by a special election, without a primary. The favorite in this Democratic district will be whomever the Democratic organization chooses. The reported front-runners are former Rep. Lucien Blackwell—who was voted out of the Second District seat three years after the Democratic machine handed it to him—and city Democratic boss Bob Brady. Neither of them stacks up to Tom Foglietta.

EXPAND PRIVATE INSURANCE COVERAGE FOR KIDS

HON. MARTIN OLAV SABO

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SABO. Mr. Speaker, one out of every seven American children is growing up without health insurance. These 10 million children—including 70,000 in my home State of Minnesota—are less likely to get preventive care to keep them healthy, or see a doctor when they get sick. These obstacles to health care can lead to harmful and lasting effects. For example, children whose ear infections go undiagnosed and untreated can suffer from permanent hearing loss.

Sadly, there are signs that the prognosis for the health of American's children is getting worse. The number of families receiving insurance sponsored by their employer has declined from 67 percent in 1987 to 59 percent in 1995. Additionally, premium costs for family coverage are on the rise, placing health insurance beyond the reach of an increasing number of working families.

Enough is enough. It is time for all of us to commit to solving this problem. Today, I am introducing legislation that takes one step toward a comprehensive solution.

The Children's Health Coverage Improvement Act of 1997 would make children's-only policies widely available to families at more affordable group rates. Federally regulated self-insured health plans would be required to offer these policies as one of the options available to their employees.

Many low-income working families simply cannot find room in the family budget to pay the increasingly large premiums for family policies. Moreover, many financially strapped single parents cannot afford to pay family premiums designed to cover two adults plus children. Kids-only policies could provide an answer for these hard-working and hard-pressed families.

According to a recent survey of 600 employers, the majority of respondents indicated a strong sense of responsibility toward their workers and expressed sympathy for those who are uninsured. My legislation builds upon this sense of community, and creates a new way for employers to make coverage available to children.

This legislation is also sensitive to employers' concerns that they cannot assume further insurance costs. Instead of requiring an employer to shoulder a specified portion of insurance costs, this bill allows the dynamics of the group insurance market to create affordable kids-only policies.

Shoring up the decline in employer-sponsored health care is one way to help get kids insured. Ten million American children need help. It's time for all of us—in both the private and public section—to pitch in and make sure they get it.

IN HONOR OF RICHARD D. ACTON

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. KUCINICH. Mr. Speaker, I rise to honor Richard D. Acton, a union leader for over 45 years who has worked tirelessly for his members and for his community.

Dick began his union career as a member of the International Brotherhood of Electrical Workers Union, Local No. 38. He rapidly earned the respect of his peers, and they chose him for higher union office. Dick rose to treasurer and business manager, a post he held for 21 years.

His fellow union leaders recognized Dick's leadership qualities and elected him to the IBEW International Executive Council in 1979, where he served until 1996. Dick was also elected to the post of executive secretary of the Cleveland AFL–CIO Federation of Labor.

Dick devoted much of his time to improving the lives of his members and the Greater Cleveland community. As president of the United Labor Agency, the social service arm of the Cleveland AFL–CIO, the United Auto Workers and the Teamsters, Dick led the institution which embodies the generosity and social commitment of the union movement. The United Labor Agency provides programs in strike assistance, job counseling, training, youth job placement, services for laid-off workers, unemployed, and underemployed persons. Of particular note, the United Labor Agency developed a special economic response team that delivered a range of programs for people who were laid off or were subject to plant closing. The program was so successful that it was replicated around the country. The United Labor Agency also provides needed durable medical equipment, and offers programs for senior citizens and retired workers.

Mr. Speaker, let us recognize the achievements of Dick Acton, who will be honored by his peers on June 11, 1997, for a lifetime of giving, service, and achievement.

TRIBUTE TO EMMA P. URQUHART, DEACONESS OF CALVARY BAPTIST CHURCH

HON. BILL PASCRELL, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. PASCRELL. Mr. Speaker, I would like to call to your attention Emma P. Urquhart, deaconess of Calvary Baptist Church in Paterson, NJ.

A faithful, dedicated, and active member of Calvary Baptist Church, Emma is president of the Senior Missionary Society. As a member of the Progressive Women of Calvary, she supports the Christian ministries in both these organizations. She is also one of the devotion leaders for the Golden Keys senior group.

Emma is very active in Calvary's bereavement endeavors, whether helping in the kitchen, serving the congregation, or attending to the families spiritual needs during their time of sorrow.

Emma is an encourager to the youth, the sick and shut-in, the entire congregation of Calvary Baptist Church, and the community. She calls upon delinquent and past members, and invites them back to the church.

As part of her missionary duties, Emma visits the sick and shut-in at home, hospitals, and nursing homes. Beyond merely visiting, Emma and her group clean the homes and fix meals for the members who are unable to do so for themselves.

Emma volunteers as a teacher in the Saturday Outreach Program and Vacation Bible School. She supports these groups by preparing and serving refreshments for use during group activities. Emma is also a member of the Music Ministry Committee and is a supporter of the current youth leaders of the group.

Emma has served many years on the Board of Christian Education and on the Calvary Baptist Scholarship Committee. Her belief in the future of our children has led her to faithfully make a regular individual donation to the Calvary Baptist Scholarship Fund.

Emma provides a support role as a current and past member of Calvary's Trustee Group. She is a loyal and dedicated member of the Chancellor choir and actively supports all the programs and events the church sponsors each year, including Women's Day.

Emma religiously dedicates her time in prayer to the growth of Calvary Baptist Church and its programs. This time is not only given at Wednesday prayer service or Saturday morning prayer service but faithfully and regularly at home for the church, its people and its mission as well.

Mr. Speaker, I ask that you join me, our colleagues, Emma's family and friends, and the congregation of Calvary Baptist Church in recognizing Deaconess Emma P. Urquhart's outstanding and invaluable service to the community.

STATEMENTS BY ALYSSA LEACH AND SAM HERR, GAILER SCHOOL, MIDDLEBURY, VT, REGARDING THE INTERNET VERSUS THE FIRST AMENDMENT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, for the benefit of my colleagues I would like to have printed in the RECORD this statement by high school students from Gailer School in VT, who were speaking at my recent town meeting on issues facing young people.

Ms. LEACH: Congressman Sanders, the United States government wants to regulate the information available on the Internet via the U.S. Communications Decency Act and Exxon-Garten Communications Decency legislation.

We as adult citizens in the United States believe that this legislation is violating our First Amendment rights to the freedom of expression.

The First Amendment was created by American's founders to protect the individual's rights, two of these rights being freedom of speech and freedom of expression. The CDA is going to be limiting these rights and violating the First Amendment. Is this right? No. The CDA calls for a $100,000 fine and up to two years in jail for transmitting indecent material over the computer networks.

What is indecent? What is indecent to some may not be some to others. To others it is self-expression which is protected by the First Amendment. Expressing yourself is an American right. It may come in the form of unconventional speech down to pornography, but it is all self-expression.

Americans should be able to speak freely over the Internet about controversial issues such as abortion or sex without fear of prosecution. We are not a free people if we cannot speak freely and share our opinions. As for children, they are under their parents' responsibility for guidance on the Internet. Adult expression should not be prohibited for the protection of children. The government does not parent children, parents parent children.

So I say to you, please protect our rights. The Internet is a wonderful way to express and share our opinion with the world. Don't make us have to be afraid of prosecution if we have unconventional, maybe indecent opinions which we wish to express. If the CDA is passed we will start losing our First Amendment rights. Keep us a free people, free to express ourselves.

Mr. HERR. There are also important technological concerns. Forty percent of the websites on the Internet are located on the hard drives of computers that are physically located outside of any area in which the United States can be said to have jurisdiction and this number is growing. How would the Communications Decency Act prevent children within the United States from accessing information and pictures contained within these sites? In addition, it would be entirely possible for United States citizens to rent space on one of these foreign sites and post any information or pictures that he or she wanted to.

The Communications Decency Act makes it illegal for an Internet service provider such as America Online or Togethernet to provide material that is patently offensive to minors. It is possible for these organizations not directly to provide such information to minors by not carrying it on the Internet service which they control. However, there are many public Internet servers that are available for use by anyone attached to the Internet who state it could not be regulated by the Communications Decency Act. Therefore, any Internet service provider whose users could access any of these servers would be open to prosecution under the Communications Decency Act.

As you can see, Representative Sanders, it is clearly unfair to any Internet service provider and could in fact act to shut down the Internet within the United States whereby denying U.S. citizens access to a valuable tool.

Lastly, because of the way Internet protocols are written there is no way of confirming the age of persons accessing a website or a new server. The fear of prosecution has caused many Internet sites to provide material solely for adult audiences because they have been technically unable to prevent minors from accessing their sites. The Electronic ID is the best quick fix for this problem as minors can get these IDs and there are so many competing standards that adults cannot access some sites.

We do not object to your controlling what comes through the Internet to your own computer and what your child sees. There are softwares available for just for that purpose. It's low cost and schools can obtain that as well.

Ms. LEACH: Also monitoring what your children are seeing on the Internet is very important. Relating to what the kids are doing on the Internet is important so you know what they are looking at. It is the parents' responsibility just as it is with television to watch what your kid are looking at and whether you want them to see or not to see. It is illegal to do things like yell fire when it is inappropriate but that is a totally different subject, that is a different kind of expression.

Mr. HERR: I would argue that it is their right to yell fire, but they have to face the consequences of their actions which would be prosecution for manslaughter in that case. It is a valid idea from that person's point of view and whoever did the acts that were portrayed on that Internet site would be liable to prosecution under the current laws.

TRIBUTE TO JAN KARSKI

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the extraordinary and heroic accomplishments of Jan Karski, and to invite my colleagues to join me in commending this man who refused to sit quietly and watch the extermination of millions of Jews during the Holocaust. Mr. Karski risked his life to journey into the heart of the Warsaw ghetto and a concentration camp so that he could effectively detail and then convey the horrors of the Nazi regime to the Allied forces. Through his accounts, he is credited with providing President Franklin D. Roosevelt with the motivation to establish the U.S. War Refugee Board, an organization that saved tens of thousands of Jewish lives toward the end of World War II.

Born in 1914 in Lodz, Poland, Jan Karski joined the Polish underground at the age of 25. He was caught and tortured by the Gestapo but did not divulge any information pertinent to his cause. After being rescued from a prison hospital by members of his underground organization, he disguised himself and snuck into both the Warsaw ghetto and in concentration camp. There he witnessed the emaciation, hopelessness, and subhuman conditions that characterized both by the ghetto and the camp.

Mr. Karski's mission was to gather information and convey these horrors to the outside world. Upon speaking with London authorities in 1942, his frightful accounts were met with disbelief and denial. One member of the Polish National Council, Szmul Zygebojm, insisted upon hearing every detail of the squalor that Karski had witnessed, Zygebojm made a vow to do what he could for his fellow Polish Jews that were still living. A few days after his conversation with Mr. Karski, he committed suicide, despairing, and discouraged that he could not help his homeland.

In July 1943, Mr. Karski met with President Roosevelt to inform him of the atrocities being committed by the Nazis and of Hitler's Final Solution. he also met with Felix Frankfurter, a member of the U.S. Supreme Court. At Justice Frankfurter's request, Mr. Karski again described the horrors he had seen with his own eyes. After listening quietly, Justice Frankfurter responded, "Mr. Karski, a man like me talking to a man like you must be totally frank. So I must say: I am unable to believe you." The Polish Ambassador jumped to his feet in indignation at having his young representative insulted. Justice Frankfurter explained, "Mr. Ambassador, I did not say this young man is lying. I said I am unable to believe him. There is a difference." Mr. Speaker, one can only imagine the strength Mr. Karski must have possessed to constantly tell his harrowing story, only to be met with disbelief and in some cases denial.

In 1944, Jan Karski wrote the book "Story of a Secret State" detailing his experiences, which became a bestseller. After the war, he moved to the United States where he married, became an American citizen, and received a doctorate from Georgetown University. Mr. Karski went on to a distinguished teaching career at Georgetown. His many honors and awards include the distinction of "Righteous Gentile," bestowed by the Yad Vashem Holocaust Memorial in Jerusalem. He is also an honorary citizen of Israel, the recipient of a Doctorate of Human Letters honoris causa from Georgetown University, the recipient of a special citation by the United Nations, and the recipient of the Order virturi Militair, the highest Polish military decoration.

Mr. Karski's humility is always evident. When visiting the National holocaust Museum, he came upon the Wall of Righteous, the tribute to non-Jews. He quickly passed the plaque upon which his name was inscribed, instead preferring to seek out the names of his underground comrades. Mr. Karski is quick to point out that "the Jews were abandoned by governments, by church hierarchies, and by societal structures. But they were not abandoned by all humanity." He feels that he is no different from anyone else who tried to ease

the plight of the Jewish people. Remarkably, he insists he did "nothing extraordinary."

The true nature of Jan Karski, despite his protestations, is summed up by two men whose words speak for themselves. Shimon Peres said, "a great man is one who stands head and shoulder above his people, a man who, when surrounded by overpowering evil and blind hatred, does all in his power to stem the tide. Karski ranks high in the all-too-brief list of such great and unique personalities who stood out in the darkest age of Jewish history." In the words of Elie Wiesel: "Jan Karski: a brave man? Better: a just man."

Mr. Speaker, once again I urge my colleagues to join me in recognizing the courage and selflessness of Jan Karski. He is a hero who risked his life for strangers to fulfill what he considered his duty as a human being.

THE CHIEF BANKRUPTCY JUDGE MARTIN V.B. BOSTETTER, JR. COURT HOUSE

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. MORAN of Virginia. Mr. Speaker, it is a great honor to rise today in appreciation of Chief Bankruptcy Judge Martin V.B. Bostetter, Jr. and to introduce legislation naming the U.S. Courthouse on South Washington Street in Alexandria in his honor. Chief Judge Bostetter was born on March 11, 1926, in Baltimore, MD, and attended Mount Vernon High School in Fairfax County. During World War II, he served in the U.S. Navy and then attended the University of Virginia where he obtained his bachelor of arts degree in 1950 and his Latin bachelor of laws degree in 1952.

Since 1952, his entire legal career has occurred within an eight block radius in Old Town Alexandria. He began the practice of law in the city of Alexandria, and in 1953, he was appointed special assistant to the city attorney, serving in the capacity of city prosecutor. He resigned that position in 1957 to become associate judge of the municipal court of the city of Alexandria, where he served for a period of 2 years, resigning in 1959.

Judge Bostetter was appointed to the U.S. Bankruptcy Court in 1959, and presently serves as U.S. Bankruptcy Judge for the Eastern District of Virginia, having been appointed chief judge on February 1, 1985. He ranks among the longest sitting full-time bankruptcy judges in the United States.

In 1959, Judge Bostetter established the First Bankruptcy Court in Alexandria, in the former Federal District courthouse—the very building he now occupies as chief judge of the Bankruptcy Court for the District of Virginia, 38 years later. He has taken special interest and great pride in the ongoing renovation of this historic building and landmark.

When Judge Bostetter first sat on the bench in 1959, there were approximately nine bankruptcy filings per month and the bankruptcy court had only one employee. He remained the only full time bankruptcy judge in the Alexandria Division from July 1959 until December 1994. During the late 1980's and early 1990's, he handled the caseload of approximately 2½ judges.

During his service on the bench, Chief Judge Bostetter has seen the Bankruptcy Court for the Eastern District of Virginia grow to three divisions with 5 full-time judges and staff, 90 employees in its clerk's office and averages of more than 2,600 bankruptcy filings per month. The Alexandria Division where he now sits has two full-time judges, 22 employees and averages approximately 790 bankruptcy filing per month.

Chief Judge Bostetter has been a dedicated and loyal public servant serving the people of Virginia faithfully with honor, integrity, and distinction during his tenure as a bankruptcy judge. He has fulfilled his duties with a strong sense of fairness and pragmatism, while at the same time adhering to the constraints imposed by the bankruptcy code and related case law. Moreover, he has set very high standards for the lawyers who practice before him making those lawyers better prepared and more effective advocates for their respective client's interests.

In addition to his responsibilities as a bankruptcy judge, Chief Judge Bostetter has served as a member of the Committee on Court Administration of the Judicial Conference of the United States from July 1, 1982, until it was dissolved by reorganization of the Judicial Conference in 1987. On October 16, 1984, he was elected by the Judicial Center, serving in that position until September 1987. He is a former member of the Transition Advisory Committee on Bankruptcy to the Director of the Administrative Office of the United States Courts. In 1986, he was appointed by Chief Justice Warren Burger as chairman of a committee to expand and improve the educational programs for all bankruptcy judges. Justice Rehnquist, upon assuming the position of the Chief Justice of the United States, reappointed him to continue as a chairman of that committee until his term expired in 1989. In addition, he was appointed to the State-Federal Judicial Relations Committee of the Commonwealth of Virginia in 1991.

In addition to his significant public service as a judge, Judge Bostetter has a strong record of civic contributions as well. He has served as president of the Alexandria Bar Association, president of the Alexandria Junior Chamber of Commerce, president and chairman of the board of the Alexandria Junior Chamber of Commerce, president and chairman of the board of the Alexandria Sertoma Club, president of the Alexandria Mental Health Association, and has also served on the boards of the Alexandria Hospital Corp., the Alexandria Mental Health Clinic, the Alexandria Community Chest, and the Alexandria Boys' Club. In 1959, the Alexandria Junior Chamber of Commerce awarded him the Distinguished Service Award as the "Outstanding Young Man of the Year 1959", and the Kiwanis Club of Alexandria designated him as an honorary member. In 1960, Judge Bostetter was nominated by the Alexandria Junior Chamber of Commerce as one of the Ten Outstanding Men of the United States for his work on the Juvenile Detention Commission.

REMEMBERING THE MIA's

HON. CHARLES E. SCHUMER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SCHUMER. Mr. Speaker, I rise today to ask my colleagues to join me in remembering the Israeli soldiers captured by the Syrians during the 1982 Israeli war with Lebanon.

On June 11, 1982, an Israeli unit battled with a Syrian armored unit in the Bekaa Valley in northeastern Lebanon. Sgt. Zachary Baumel, 1st Sgt. Zvi Feldman and Cpl. Yehudah Katz were captured by the Syrians that day. They were identified as the Israeli tank crew, and reported missing in Damascus. The Israeli tank, flying the Syrian and Palestinian flag, was greeted with cheers from bystanders.

Since that terrible day in 1982, the Israeli and United States Governments have been doing their utmost to obtain any possible information about the fate of these missing soldiers, working with the offices of the International Committee of the Red Cross, the United Nations, and other international bodies. According to the Geneva Convention, Syria is responsible for the fates of the Israeli soldiers because the area in Lebanon where the soldiers disappeared was continually controlled by Syria. To this day, despite promises made by the Syrian Government and by the PLO, very little information has been forthcoming about the condition of Zachary Baumel, Zvi Feldman, and Yehudah Katz.

June 11, marks the anniversary of the day that these soldiers were reported missing in action. Fifteen pain-filled years have passed since their families have seen their sons, and still President Assad has not revealed their whereabouts.

One of the these missing soldiers, Zachary Baumel is an American citizen, from my district in Brooklyn, NY. An ardent basketball fan, Zachary began his studies at the Hebrew School in Boro Park. In 1979, he moved to Israel with other family members and continued his education at Yeshivat Hesder, where religious studies are integrated with army service. When the war with Lebanon began, Zachary was completing his military service and was looking forward to attending Hebrew University, where he had been accepted to study psychology. But fate decreed otherwise and on June 11, 1982, he disappeared with Zvi Feldman and Yehudah Katz.

Zachary's parents Yonah and Miriam Baumel have been relentless in their pursuit of information about Zachary and his compatriots. I have worked closely with the Baumels, as well as the Union of Orthodox Jewish Congregations of America, the American Coalition for Missing Israeli Soldiers, and the MIA Task Force of the Conference of Presidents of Major American Jewish Organizations. These groups have been at the forefront of this pursuit of justice. I want to recognize their good work and ask my colleagues to join me in supporting their efforts. For 15 years, these families have been without their children. Answers are long overdue.

HONORING REV. MATTHEW J. PEARSON

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise today to pay tribute to the esteemed pastor of Warner Baptist Church, the Reverend Matthew J. Pearson. The Warner Baptist Church is celebrating their 25th anniversary of guidance under Reverend Pearson.

Matthew was born in Washington, DC, on June 23, 1930. He first studied Bible courses at the Moody Bible Institute in Chicago, IL, and later graduated from the Washington Bible College in Washington, DC. In 1951, he married Mildred Robinson and together they have been blessed with two children, a son, Melvin, and a daughter, Donna. Matthew has been involved in the ministry for 36 years. Previous to this time, he spent 2 years in the United States Army during the Korean war, again showing his dedication to his country and serving others.

In 1955 Matthew joined the Warner Baptist Church where he began serving God as president of the senior choir, member of the deacon board, and as a Sunday school teacher. In 1961, he was called to the ministry and was licensed at the Warner Baptist Church, where he was ordained in 1963. Reverend Pearson became the pastor of Warner Baptist Church in 1972 and a number of accomplishments have been achieved under his leadership. One of his goals has been organizing the ministries of the church for all ages of parishioners.

Matthew is not only heavily involved in his church, but also in his community. He is the chaplain for HOSPICE of Arlington, member of the Lott Carey Foreign Mission, member of the Annandale Christian Community for Action, and an active participant in the Meals-On-Wheels' program. He was also instrumental in organizing the Baileys Crossroads Shelter for the Homeless. Reverend Pearson was recently honored for his devotion to public service by being asked to give the opening prayer at the House of Delegates in Richmond.

The Warner Baptist Church has been blessed for 25 years with Reverend Pearson's religious teachings. I know my colleagues and the congregation of Warner Baptist Church will join me in saluting Reverend Pearson on this special anniversary. It has been a great honor and pleasure to work with Matthew Pearson for nearly 20 years. He is someone who has made a difference in our community. I wish him the best for continued success in the future.

EQUAL PAY ACT

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SANDERS. Mr. Speaker, today marks the 34th anniversary of the Equal Pay Act, the original legislation to address the wage disparity between men and women. I am of the opinion, Mr. Speaker, that while the Equal Pay Act is a necessary piece of legislation, it has not yet lived up to its promise of ensuring equal pay for equal work.

I recently attended a rally held in my district commemorating Pay Inequity Day, which fell on April 11, 1997. Pay Inequity Day marks the day when working women's 1996–97 paychecks will, on average, finally equal what men earned in 1996 alone. This day falls over 4 months into 1997. This is simply unacceptable.

In my work as a Member of Congress, I often focus on the growing problem of income disparity and how the families of America are affected by this and the growing inequality of wealth in our country. In looking at the statistics we see that even 34 years after enacting the Equal Pay Act, the wage disparity between men and women still plagues this country. In 1995, women earned only 71 percent of wages earned by men. According to the National Academy of Sciences, between one-third and one-half of the wage difference between men and women cannot be explained by differences in experience, education, or other legitimate qualifications. Bureau of Labor Statistics data indicates that women earn equal pay in only 2 out of 90 detailed occupations.

What does this mean for the American family? The picture is not good. Vermont families and families across the country are becoming more and more dependent on women's wages. Today, 40 percent of all working women have children under the age of 18—children who depend upon them for care, shelter, food, clothing, et cetera. Although most American families today must rely heavily on women's wages, women with the same qualifications as men continue to make less than their male counterparts.

If we look closely at the wage gap between men and women over the years, we notice that it narrowed slightly in the 1980's. Some may have looked at that as a gain for women. The truth is however, that the narrowing of the gap was largely due to a decline in men's wages. Now how does that fare for American families?

As for my district, according to data supplied by the Institute for Women's Policy Research, Vermont ranks 3d in the Nation for wage equity. The Vermont female/male ratio is 75 percent while the U.S. average is 68 percent. Vermont shares its ranking with Alaska and sits below only Washington, DC. Some may try to indicate that since Vermont is ranked third, we do not have a problem and we can relax. I say that is just not acceptable. It is our job to respond that no pay inequity is acceptable—not 68 percent, not 75 percent, not 95 percent. Women should expect and receive 100 percent—equal pay as men for equal work.

TRIBUTE TO DR. ANTHONY EVANS, RETIRING PRESIDENT OF CALIFORNIA STATE UNIVERSITY AT SAN BERNARDINO

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BROWN of California. Mr. Speaker, I rise today to pay tribute to Dr. Anthony Evans, the retiring president of California State University at San Bernardino [CSUSB].

Dr. Evans came to CSUSB in 1982, bringing with him the experience of an already illustrious career. He received his doctorate from the University of California, Berkeley, and served as the director of planning for the Peace Corps in addition to specializing in Far East affairs with the U.S. State Department. Prior to coming to CSUSB, Dr. Evans served as provost and vice president of Academic Affairs at Eastern Michigan University.

In his 15 years at CSUSB, Dr. Evans has led the school through remarkable changes. Major construction projects have added, or expanded to, 10 campus buildings, the number of students and faculty have more than doubled, CSUSB was awarded university status, 15 degree programs have been added and alumni have more than tripled.

CSUSB has blossomed under Dr. Evans' leadership. His presence will be sorely missed, however his legacy to the region will be leaving CSUSB well poised to lead San Bernardino into the 21st century. Again, I commend Dr. Evans for his years of service to the Cal State San Bernardino community and I am certain that he will bring as much success to his next endeavor as he did to this one.

RECOGNIZING ROWLAND ADULT SCHOOL ON THE OCCASION OF ITS 25TH ANNIVERSARY

HON. ESTEBAN EDWARD TORRES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. TORRES. Mr. Speaker, I rise today to recognize Rowland Adult School on the occasion of its 25th anniversary. Later this evening, Rowland will hold its annual commencement ceremonies and celebrate 25 years of service to our community.

Founded in 1971, Rowland has served over 30,000 students in classes ranging from citizenship, parent literacy and parent education to a variety of community education classes such as notary public, dance, art, language development, and others. Since 1971, the adult school has offered courses for students wishing to obtain their adult school diploma. Additionally, Rowland is a center for general educational development [GED] testing, and has provided this important service to students throughout the years.

As part of the Rowland Unified School District, the adult school has worked to help adults become productive citizens, productive workers, better parents and family members, and civic-minded residents who take an active

role in the community. Rowland helps to foster the development of intellectual, physical, and emotional skills and experiences, providing high school skills, ESL classes, citizenship courses, and a family literacy program. This comprehensive approach has proved very effective in our community, with over 1,000 adults graduating from Rowland Adult School in the past 25 years.

Mr. Speaker, I ask my colleagues to join me in recognizing the dedicated faculty, staff, and administrators of the Rowland Adult School, who have created a vision for the future of the school to continue providing the highest quality education to the adults of our community for many years to come. I would like to recognize Rocky Bettar, Rowland Adult School's director; Melinda Seshike, program specialist, and Gabe Moorman, curriculum coordinator, as well as the many teachers, staff members, instructional assistants and students who will be celebrating Rowland Adult School's 25th anniversary this evening.

THE CITY OF SAN BRUNO RECYCLING PROGRAM

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LANTOS. Mr. Speaker, I rise today to recognize the outstanding efforts of the city of San Bruno for its recycling program.

The city of San Bruno, located in the heart of my congressional district, was the first city in San Mateo County to implement a weekly curbside recycling program. Starting in 1988, the program grew to be one of the outstanding environmentally conscious recycling programs in the State of California. The tremendous efforts of the city of San Bruno earned it numerous awards.

One year after implementing the curbside recycling program, the city of San Bruno received the Helen Putnam Award for Excellence in Citywide Weekly Curbside Program by the California League of Cities. Working in conjunction with community leaders, the recycling program was able to boast that 70 percent of the city's households actively participated in recycling, compared to the statewide average of 30 percent. Since then, San Bruno received the first place award from the California State Department of Conservation and the merit of excellence for its curbside recycling program. The growing success of San Bruno's recycling effort is attributed to the proactive partnership between the San Bruno City Council, the San Bruno Garbage Co., city residents, businesses, schools, apartment complexes, and office parks.

Recently, the city of San Bruno renewed its recycling effort by reinstating the San Bruno Environmental and Recycling Committee. The Recycling Committee brings together members of the community and the city of San Bruno to coordinate recycling efforts. The committee, comprised of city council members, teachers, business professionals, and residents, advises the city of San Bruno on methods to improve the recycling campaign. Empowering communities with the ability to recommend policy on environmental and recycling efforts has proven to be a highly effective technique to ensure the long-term success of this community-based recycling effort.

San Bruno's newest effort is driven by the mandate from the State of California that all cities reduce their solid waste by 50 percent by the year 2000. In response to this ambitious goal, the San Bruno Recycling Committee launched its SPACE 2000 Program [Save, Protect and Clean our Environment]. This effort aims to bring recycling to the forefront of the community. In addition to focusing on government and corporate office recycling, SPACE 2000 targets youth. The SPACE 2000 program reaches out to a new generation in order to keep San Bruno an environmentally healthy community. On June 1, 1997, over 1,000 children marched for the environment and recycling in San Bruno's annual Posy Parade, the longest running children's parade in the United States.

I am pleased to recognize San Bruno's proactive, leadership role in reengineering and revitalizing its environment and recycling efforts. As we move into the 21st century, conservation and recycling programs will be the cornerstone of our environmental policy. I am proud of San Bruno's efforts to strengthen community involvement, and its vision and commitment to renew, reuse, and recycle our Nation's resources.

SHIRLEY KLEIN OF DUNBAR, WV, MEMORIALIZES FRANKLIN ROOSEVELT THROUGH POETRY

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. RAHALL. Mr. Speaker, I am pleased to call my colleagues attention to a most beautiful tribute to Franklin D. Roosevelt, written by Shirley Klein of Dunbar, WV.

As we are all aware, there has been much controversy recently over the dedication of the Franklin D. Roosevelt Memorial because it does not depict that much-loved President in his wheelchair. The disabled community has come out in strong favor of adding to the memorial, a statue of President Roosevelt in the wheelchair that was so much a part of his every-day lift as he struggled to lift this Nation from its knees during our worst depression, as well as to bring us to victory in World War II. I agree that the memorial ought to be augmented to show this great President in his wheelchair.

Mr. Speaker, Shirley Klein is, like Franklin Roosevelt, disabled and in a wheelchair and, like Franklin Roosevelt, her heart and mind are strong and vibrant and immensely productive. Knowing they shared this particular challenge, even as a child, she wrote a most beautiful poem in tribute to him. If anyone still believes the Roosevelt Memorial ought not to depict him in his wheelchair, Shirley's poem will surely change their minds. Shirley's poem follows:

MEMORIAL

(By Shirley Klein)

Deny him not his throne of grace.
Its wheels were his wings
On which he flew
To save a world,
To heal a land.
Let ages know
This was a man
Who seated firm,
Towered tall.
And I, a child
Who saw him there,
Knew at last
I too could soar.

INTRODUCTION OF LEGISLATION TO ESTABLISH A PERMANENT FORMULA FOR GOVERNMENT CONTRIBUTIONS TO FEDERAL EMPLOYEE HEALTH BENEFIT PLANS

HON. STENY H. HOYER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. HOYER. Mr. Speaker, today, I am introducing legislation to set a permanent formula for calculation of the Federal contribution to the Federal employee health benefit plans. My bill would ensure that the Government contribution for civil servants and Federal retirees would remain at approximately 72 percent.

Under existing law, the contribution is set by a formula based on the premiums of five of the largest plans and a sixth, so-called phantom, premiums that represent a large plan that dropped out of FEHBP. This formula, passed in 1989, has held the Federal contribution near 72 percent but will expire at the end of calendar year 1998.

It is estimated that failure to extend or replace this formula would cost an enrollee about $20 a month or $240 per year. That is unacceptable—especially at a time when the budget resolution asks Federal employees to pay an additional five tenths of 1 percent into the CSRS and FERS retirement systems.

I want to thank the many people on the House Budget Committee and at the Office of Management and Budget who responded to my strenuous objections to not replacing the current formula. I am pleased that the budget agreement and resolution assume continuation of the 72-percent contribution. This legislation therefore has no budget implications and, according to preliminary OPM cost estimates, may actually save a small amount of money over the budget agreement baseline.

This bill will calculate, each year a weighted average of the subscription charges for all plans. The employee's or retiree's premium for each plan will be calculated by subtracting 72 percent of that weighted average from the total charge. Unlike previous formulas, this bill establishes a permanent formula that will automatically adjust as carriers enter or leave the FEHBP Program.

The concept of this stable fair share formula was developed by the Office of Personnel Management at my request. It has been refined through extensive discussions with Federal employee organizations, health plan carriers, and other interested parties. I am pleased that Mrs. MORELLA, Mr. CUMMINGS, Mr. MORAN of Virginia, Mr. FAZIO of California,

Mr. FORD, and Mr. DAVIS of Virginia have joined as original cosponsors.

I am hopeful that, working with Mrs. MORELLA and Mr. CUMMINGS, we can add this important legislation to the reconciliation measure as it is marked up in the Government Reform and Oversight Committee. I invite Members who share my concern about protecting this critical benefit for Federal employees and retirees to join us as cosponsors of this legislation.

RECOGNIZING THE OUTSTANDING MILITARY SERVICE OF COL. PETER HUISKING

HON. DAVID DREIER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DREIER. Mr. Speaker, I would like to recognize the outstanding military service and contributions to our country of a native of Pomona, CA, on the occasion of his retirement from military service on December 1, 1996: Col. Peter V. Huisking, Military Intelligence Corps, U.S. Army.

Born in Pomona, CA, in 1949, Colonel Huisking attended St. Joseph Elementary School and the Webb School of California, and received an Army Reserve Officer Training Corps [ROTC] scholarship to attend Pomona College in 1967. He was commissioned in field artillery upon graduation from Pomona College in 1971. He served in junior officer positions at the artillery battery level with 2d Battalion, 92d Field Artillery, V Corps, in Giessen, Germany, from 1972 to 1974. As a first lieutenant, he was commander of Battery C, 2d Battalion, 92d Field Artillery.

Colonel Huisking transferred to the Military Intelligence branch in 1974, and served in numerous tactical and strategic intelligence assignments over the next few years: assistant S2, 42d Field Artillery Group, 1974 to 1975; chief, all source production section, 2d Armored Division, Fort Hood, TX, 1975 to 1977; commander, Headquarters and Operations Company, 522d Military Intelligence Battalion, Fort Hood, TX, 1977 to 1978; and staff and faculty, Defense Intelligence College, Washington, DC, 1979 to 1982.

Other overseas assignments included G2 operations officer, 2d Infantry Division, Republic of Korea, from 1982 to 1983; chief, Intelligence Systems Branch, Headquarters U.S. Army, Europe, Heidelberg, Germany, from 1984 to 1986; deputy G2, 1st Armored Division, Ansbach, Germany, 1986; and executive officer, 501st Military Intelligence Battalion, 1986 to 1988.

Colonel Huisking was assigned to Fort Huachuca, AZ, in 1988, where he served as the manager of the Intelligence-Electronic Warfare Program Office. He later commanded the 304th Military Intelligence Battalion at Fort Huachuca, from 1989 to 1991, and served with Headquarters, United States Armed Forces, Central Command in Riyadh, Saudi Arabia, during Operation Desert Storm as the G2 plans officer for unmanned aerial vehicles.

Following service as the Assistant Chief of Staff, G2, 1st Cavalry Division, at Fort Hood, TX, from 1991 to 1992, Colonel Huisking was assigned as a staff officer in the Directorate of Force Development in the Office of the Deputy Chief of Staff for Operations and Plans at Headquarters, Department of the Army, Washington, DC, from 1992 to 1993. He later served as the deputy director for planning in the Directorate of Strategy, Plans, and Policy on the Department of the Army staff from 1993 to 1994. Colonel Huisking's last military assignment was Assistant Chief of Staff, G2, for the U.S. Army Signal Command at Fort Huachuca, AZ, from 1994 until his retirement in December 1996.

Colonel Huisking is a graduate of the U.S. Army Field Artillery School, 1972; the Defense Intelligence College, 1979; the U.S. Army Command and General Staff College, 1984; and the U.S. Army War College, 1996. He also graduated from Georgetown University with a master of arts degree in Government, 1980.

His awards and decorations include the Legion of Merit with Oak Leaf Cluster, the Bronze Star, the Defense Meritorious Service Medal, the Meritorious Service Medal with Oak Leaf Cluster, and several service medals including the Saudi Arabia Kuwait Liberation Medal. He is also a recipient of the U.S. Army Signal Corps Regiment's Order of Mercury. Additionally, Colonel Huisking is authorized to wear the Army staff identification badge.

Colonel Huisking is married to the former Henrietta Hardy of Tucson, AZ. They have three children: Elisabeth, who lives in Virginia; Thomas, a college student in Texas; and Andrea, a student at Smith Middle School, Fort Huachuca, AZ. Colonel Huisking is joining JBL&H Associates of Falls Church, VA, and will work at the U.S. Army Intelligence Center in support of the Directorate of Combat Developments.

Colonel Huisking has served at all military echelons from platoon to the Army staff. He has led American soldiers as a platoon leader, a company commander, and a battalion commander. He served as a intelligence officer in key positions from Artillery Group to Major Army Command. His service has been characterized by his emphasis on two key elements: training for war and taking care of soldiers. This emphasis paid off during the successful deployment of elements of his battalion to Desert Storm. In the words of Maj. Gen. John Stewart, the Assistant Chief of Staff, G2, U.S. Army Forces Central Command, during the gulf war:

> Lieutenant Colonel Huisking's tireless, professional, and consistently correct staff work was a major factor in the success of Intelligence and Electronics Warfare during the Persian Gulf War. A great job.

Colonel Huisking was also an outstanding supporter of every military community he lived in, both in the United States and overseas. He was a strong supporter of the Scouting Program, both boys and girls, and served as committee chairman of the Cub Scout programs. His involvement in youth athletics included coaching in youth T-ball and soccer, and service on Catholic parish councils in communities in Germany and Fort Huachuca, AZ. Additionally, he has served as a lay eucharistic minister and lector since 1979.

As a professional intelligence officer, Colonel Huisking has made a particular impact on tactical intelligence units, having served in four combat divisions, and having been instrumental in the successful implementation of the combat electronic warfare intelligence [CEWI] concept in the Army beginning in 1976. Additionally, his training of the Army's only unmanned aerial vehicle unit before the Persian Gulf war led to its successful development and use during the conflict. His pioneering work in this area ensured that the Army will always go to war with this important intelligence capability.

Colonel Huisking's service to the Army and his country spans a quarter of a century. It included the years of rebuilding the Army after the Vietnam war; standing guard on the frontiers of freedom from the demilitarized zone in Korea to the Iron Curtain in Central Europe; training units which ensured the readiness of the Army to deter aggression and ensure the victory of the United States in the cold war; preparing and leading soldiers to victory in the gulf war; and maintaining and equipping a force ready to deploy to Somalia, Haiti, Bosnia, and other areas of the world during a time of declining resources and increased requirements. Colonel Huisking played an important role in all of these areas. His legacy is in the outstanding soldiers and units who benefited from his leadership, and who will carry the Army into the 21st century.

The citizens of the State of California, particularly the 28th Congressional District, are proud of the service of this native son. They join me in thanking him and his family for their contributions to the Army and the United States, and in wishing them all the best both now and in the future.

WELCOME TO HURRICANE SEASON

HON. BILL McCOLLUM

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. McCOLLUM. Mr. Speaker, today I rise to highlight the fact that hurricane season is upon us. The official start of hurricane season is June 1. With that comes an entire east coast and gulf coast that braces for the worst—a hurricane ravaging the landscape.

Hurricanes are inevitable. They are unpredictable. They are destructive. And this year, 1997, looks to be a particularly bad year. In fact, the New York Times recently ran a story titled "Storm Warning: Bigger Hurricanes and More of Them." That is not exactly good news. I am attaching the article for the record.

The damage that these storms can cause is absolutely staggering. When measured in today's dollars and projected damage based on property value, the worst hurricane occurred in 1926, before storms were named. It hit southeast Florida and Alabama, and had it hit in the same spot today, it is estimated that it would have caused $72.3 billion in damages. That's right: $72.3 billion. And we thought Andrew in 1992 was bad, hitting only an estimated $33.1 billion in damages if the same hurricane swept through today.

Mr. Speaker, this is virtually beyond comprehension. And it isn't just Florida. If New England were hit today by the same hurricane

that did in 1938, damages could exceed $16 billion. If Camille—1969—hit Mississippi, Louisiana, and Virginia today we'd be looking at almost $11 billion. If Hugo—1989—hit South Carolina today it would be almost $10 billion.

So what are we to do? If all projections are correct, it appears that we may have a major storm along the lines of Andrew slamming into the east coast or gulf coast this summer or fall. On top of this frightening thought is the aftermath of such a tragic event. Andrew put a dozen insurance companies into insolvency and threw the entire disaster insurance market in Florida into turmoil. Reinsurance for hurricanes has virtually disappeared in Florida. Today, rates are skyrocketing if coverage is available at all. What would another hit like that do to Florida? What would such a disaster do to North Carolina? Or Louisiana? Or Texas?

Mr. Speaker, I do not think that we necessarily have to find out just how bad things can get. There is a way to ensure that disaster insurance remains a viable option for homeowners. In fact, I have introduced legislation which would directly address this problem. H.R. 230, the Natural Disaster Protection and Insurance Act, would provide a Federal backstop for truly disastrous events. Essentially, Treasury would auction reinsurance contracts to be bid upon by private insurers and State insurance pools. These contracts would be actuarily sound, protecting the Government against undue loss, while injecting reinsurance back into the disaster insurance market. The contracts would cover disasters that cause over $10 billion in insured losses up to $35 billion. Payment on the reinsurance would come from the proceeds from the auction.

This legislation would be just what the doctor ordered if we are to ensure continued insurance availability in disaster prone areas. Not only does it cover hurricanes, but earthquakes, volcanoes, and tsunamis as well. Perhaps it is appropriate to discuss this when the House is considering a supplemental bill to pay for other disasters, which we are currently doing. Imagine the burden on the Federal Government if people who cannot get adequate insurance come looking for assistance? Just another reason we need to act.

Mr. Speaker, the House Committee on Banking and Financial Services, on which I serve, is scheduled to begin hearings on this and similar legislation in the near future. I urge my colleagues to support a solution to this current and future crisis affecting people in my State and across the country. H.R. 230 is a solid beginning and I look forward to its consideration.

[From the New York Times, June 3, 1997]

STORM WARNING: BIGGER HURRICANES AND MORE OF THEM

(By William K. Stevens)

The East and Gulf Coasts of the United States may be entering a long-anticipated, prolonged siege of more frequent and more destructive hurricanes, forecasters say.

They predict that this summer, more hurricanes than normal will develop in the tropical North Atlantic for the third straight year. This would make 1995–97 the most active three-year period on record for the pinwheeling oceanic cyclones, and the experts say that could be only the beginning.

The 1970's, 1980's and early 1990's were a time of relatively infrequent hurricanes. Those years did have their big storms: 7 of the 10 most costly hurricanes ever to strike the United States mainland did so over that stretch, including Hurricane Andrew in 1992, the costliest ever. But a new Federal study attributes the trend of escalating damage over that period to expanding population and exploding development rather than more frequent or powerful storms.

Now the atmosphere and ocean appear to have entered a new and more ominous hurricane phase. Some experts believe the turbulent stretch beginning two years ago signifies a return to the 1940's, 1950's and 1960's, a period of high hurricane activity in the United States. If that is so, according to the new Federal study, the cost of damage wrought by hurricanes—already the most expensive natural disasters in America—could soar to new heights.

Scientists offer varying explanations of what is responsible for the increase in hurricane frequency. One new study has found that sea-surface temperatures in 1995 were the highest on record in the tropical North Atlantic. That year, 19 tropical storms and hurricanes, double the 1946–1995 average, formed in the Atlantic. The authors of the study concluded that warmer seas encouraged incipient hurricanes to develop by infusing them with more energy. Temperatures in the region of hurricane births, between 10 degrees and 20 degrees north latitude, have remained above average since 1995.

Coincidentally or not, 1995 also saw the highest average global surface temperatures on record, and some scientists say this raises the possibility that global warming is contributing to the increased frequency of hurricanes. The coincidence "is suggestive of some link to global warming, but that needs to be proved," said Dr. Mark A. Saunders, chief author of the study. It is "just one of the possibilities," he said.

Others say that global warming is almost certainly not the cause. One is Dr. William M. Gray, an atmospheric scientist and hurricane expert at Colorado State University in Fort Collins. The rise in sea temperature "is not related to the warming of the planet," he said, noting that global warming has been slow, while the Atlantic sea-surface temperature jumped in a matter of months.

It was Dr. Gray and his group of researchers who correctly predicted that 1995 would be one of the most active seasons on record, although they underestimated 1996. In April, the group forecast that 1997 would also bring more hurricanes than average, including the more intense ones. These major storms are defined as those with peak sustained winds of more than 100 miles an hour, and they account for 75 percent of all hurricane damage. Lesser hurricanes have peak winds of at least 74 miles an hour.

The forecasters predicted that the 1997 hurricane season, which officially began on Sunday and lasts through November, would product 7 hurricanes, 3 of which would be in the intense category, and 4 lesser tropical storms strong enough to be named. By comparison, 11 of the 19 named storms in 1995 were hurricanes, 5 of them severe; last year, 9 of the 13 named storms were hurricanes and 6 were severe.

The Colorado group's forecast applies to an area encompassing the Atlantic Ocean, the Caribbean Sea and the Gulf of Mexico. It is to be updated on Friday, but Dr. Gray said the update was not expected to depart substantially from the April prediction. The forecasters do not attempt to predict whether or where any of the hurricanes will strike land.

The forecasts are based on an array of predictive signs and atmospheric phenomena that Dr. Gray has identified as determining hurricane activity. One is the amount of rainfall in the Sahel region of western Africa, where the small areas of low pressure that are the embryos of hurricanes first form. When the Sahel is wetter, Dr. Gray found, more embryos form. This year, the Sahel is wet.

Another factor is the phenomenon known as El Nino, the huge pool of warm water that develops every two to seven years in the eastern tropical Pacific, changing weather patterns around the world. When it is in place, high-level winds blowing from the west tend to shear off the tops of developing hurricanes in the adjacent Atlantic, causing them to abort. El Nino may make an appearance later this year, forecasters say, but the Colorado group predicts that it will not do so in time to affect the hurricane picture.

Other elements include the behavior of stratospheric winds that circle the globe high above the equator and weather features far remote from the Atlantic hurricane belt—things, for example, like the temperature high above Singapore. On balance, the forecasters say, the indicators point to higher-than-average activity this year.

One of the most powerful indicators, according to the new study by Dr. Saunders and Andrew R. Harris, climate scientists at University College London in Britain, is the Atlantic sea-surface temperature. Their statistical analysis found that while most of the relevant factors were indeed favorable for hurricane development in the banner year of 1995, the dominating influence was the unusually warm ocean. The temperature in the region where hurricanes develop was 1.2 degrees Fahrenheit above the 1946–1995 average, a record. The development region was 0.36 of a degree warmer than average last year and is about 0.9 of a degree warmer now. This, said Dr. Saunders, presages another active season. his study appeared in the May 15 issue of the journal Geophysical Research Letters.

The researchers suggest that warmer seas cause more water to evaporate from the surface. With evaporation, latent heat is released in the atmosphere, and the researchers believe that this is what imparts more energy to the embryonic storms coming out of Africa, making it more likely that they will develop into hurricanes. "It seems that this is a stronger effect that any other mechanism, like El Nino or the monsoon in the western Sahel," Dr. Saunders said.

The question, he said, is whether the rising sea temperature is a natural expression of the climate system's variability, independent of any influence from a warming atmosphere. Dr. Gray, for his part, says he believes the warmer ocean temperature is "a manifestation of a major change in North Atlantic ocean circulation." Stately currents in the North Atlantic undergo periodic shifts on decadal time scales. Dr. Gray said he believed that a new pattern was in place, and that it was likely to presage a decade or two of above-average hurricane activity.

"This is the greatest fear we have," he said, "that we're entering a new era. I believe we are."

If so, the new Federal study on hurricane damage may offer a preview of what lies ahead. In the study, Dr. Roger Pielke Jr. of the National Center for Atmospheric Research in Boulder, Colo., and Dr. Christopher Landsea of the National Oceanic and Atmospheric Administration's hurricane research division in Miami calculated how much damage would result from past hurricanes if they

had occurred in 1995, when the coasts held many more people and much more wealth than earlier.

The calculation, which also accounts for inflation, shows that if the more numerous storms of the very active quarter-century prior to 1970 were to hit the mainland now, each of the storms would cause far more damage than it did back then.

It has been suggested in the past that escalating hurricane damage in more recent decades has resulted from an increase in the number and severity of storms. The Pielke-Landsea analysis found this is not so. In fact, when all hurricane damage was assessed as if it had occurred in 1995, the four biggest hurricanes of the last eight years were no longer the most damaging in history. Andrew, which exacted an all-time record $26.5 billion in actual damages, was downgraded to second place by a monster that struck Florida and Alabama in 1926. Hugo (1989), Opal (1995) and Fran (1996) slip far down the list.

The analysis, its authors wrote, indicates clearly "that the United States has been fortunate in recent decades with regard to storm losses." Now, they wrote, multibillion-dollar losses may become increasingly frequent, and it may be "only a matter of time" before a single storm exacts $50 billion in damages.

TWENTY-FIVE YEARS OF DEDICATION

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, recently in my district a celebration was held for Cecil Clark of Leesburg, FL on the 25th anniversary of Cecil Clark Chevrolet. I appreciate this opportunity to congratulate Cecil for a quarter century of service to our community.

Fifty years ago Cecil Clark sold his first Chevrolet, along with his first Frigidaire appliance. In 1972, he opened up his own car dealership—Cecil Clark Chevrolet. Over the last 25 years he has sold 25,000 new cars and trucks, and he has sold over 40,000 used vehicles.

His wife Jackie has shared his vision for almost 50 years and has worked with him at his dealership. Now, his son Greg has assumed responsibilities for the dealership as co-owner, and Mr. Clark's daughter, Cindy Clark Brooker, opened her own dealership last year in Wildwood, FL.

Our society is a mobile society, and we are dependent on automobiles. Cecil Clark and his family have been essential in meeting the needs of thousands of people in my district.

Congratulations, Cecil, and my best wishes to you and your family.

FATHER CUNNINGHAM: PASSION, COURAGE, TENACITY

HON. JOE KNOLLENBERG

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. KNOLLENBERG. Mr. Speaker, I rise today to honor a special person—Father William Cunningham—who passed away last week. Detroiters, those in need and Catholics across America have not only lost a kind benefactor and gentle heart, we have lost a hero, friend, and a perfect model of inspiration and hope.

A visionary pragmatist who founded Focus:HOPE, one of the Nation's largest civil rights organizations, Father Cunningham worked tirelessly for more than three decades building racial harmony and creating jobs in the city of Detroit. Although we have not yet reached his goal, because of his passionate work, relations among our citizens have improved dramatically.

It was a shock to everyone last October to learn that this great man was stricken with cancer, but his courage and tenacity shone bright as the Sun as he fought his deteriorating health to the very end.

His long request to his long-time friend and cofounder of Focus:HOPE Eleanor Josaitis: no plaques, no streets, no buildings named after him, "Just make sure my work continues."

Even during his last breath, this hero to many was still concerned about us—about the future of the city and its people he loved with all his soul.

Focus:HOPE will serve as his lasting legacy. Born out of the ashes of the Detroit riots of 1967, Father Cunningham made his dream of helping the poor a reality. Whether it was food, jobs, or racial harmony, Father Cunningham and Focus:HOPE were on the leading edge, breaking new ground, winning the war on poverty inch by inch.

It was an honor to know such a great man. He was a generous man with a kind heart. His service was to God and his fellow man. He always had a kind word, willing ear, and helpful advice.

Father William Cunningham was a good friend to all he knew and those he didn't know, but could help. He will be missed sorely, but his legacy and spirit will remain ingrained in our souls forever.

TRIBUTE TO ROZ AND BARNEY COOPERMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BERMAN. Mr. Speaker, we are honored to pay tribute to our dear friends, Roz and Barney Cooperman, who this year are celebrating their 50th wedding anniversary. On June 29, Roz and Barney will celebrate this special occasion in the company of children—they have five—and grandchildren—they have six. Roz and Barney are wonderful parents who have always placed family above all else.

Roz and Barney met in 1946 while attending the University of California at Berkeley. The next year they got married in Brooklyn; the year after that the couple moved to Los Angeles, where they have lived ever since. Barney went into law practice in 1949, while Roz became a history instructor at Los Angeles City College. In 1952 she left teaching to raise a family.

Almost as long as they have been married Roz and Barney have been involved in community and political affairs. Barney has served on the boards of a public radio station, a teacher-training nursery school and Temple Israel of Hollywood. He also started a leading Democratic club, organized local Democratic nominating conventions and served on the state Democratic Central Committee. In 1980 Barney was appointed to the bench as a superior court judge, in which position he served with great distinction until 1995.

As a mother and teacher, Roz has been quite active in the area of education. She has served on the Los Angeles Unified School District's Gender Equity Commission, the LAUSD's Parents' Collaborative and on the Intergroup Relations/Multicultural Education Committee. She has otherwise worked with pro-choice groups and on issues such as welfare reform and affirmative action. She is truly a model of civic involvement.

We ask our colleagues to join us today in saluting Roz and Barney Cooperman, whose devotion to each other and their community is a model for us all. May they have many more years of happiness together.

DISMANTLING THE SAFETY NET

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STARK. Mr. Speaker, in the few short months since Congress has embarked on the misguided and destructive mission of welfare reform, the dismantling of the safety net necessary for the health and well-being of our Nation's most vulnerable populations—our children and the elderly—has reaped deadly effects. The Republican wish has come true. Republicans have successfully removed the neediest Americans from the rolls—permanently.

In March of this year, one man took his own life to avoid the uncertainty of the future. After receiving a letter informing him that he might be cut off of Social Security, Ignacio Munoz, a 75-year-old elderly legal immigrant, put a gun to his head and pulled the trigger. Mr. Munoz had worked in the United States for 40 years, but the Social Security Administration had payment records only for 10 years. Mr. Munoz committed suicide because of extreme fear of being cut off from his only means of support. Mr. Munoz' fear of being left out in the cold continues to grip the legal and elderly immigrant community.

Still, with vehement opposition from State and local governments, advocacy groups, and poor and disabled Americans themselves, Republicans continue to turn a deaf ear while unashamedly forging ahead. As the Ways and Means Committee begins the welfare reconciliation markup, I believe it is important to heed these predictions from experts concerning the impact of welfare reform:

CHILDREN

In California, nearly 250,000 children would be denied benefits.—Children's Defense Fund

Nationwide, nearly ½ of all children with disabilities, or 140,000, will lose SSI.—Children's Defense Fund

Nearly 3.3 million children would be denied welfare assistance.—Children's Defense Fund

1.14 million children will be driven into poverty, making one child in four poor in America.—Children's Defense Fund

Nearly 134,000 children in New York State would be impoverished.—Children's Defense Fund

300,000 children will be cut from SSI.—Social Security Administration

50,000 children will lose Medicaid benefits.—Social Security Administration

Over 57,000 children in Texas would be reduced to poverty.—Children's Defense Fund

Nearly 64,000 children in Michigan would be made poor.—Children's Defense Fund

1.2 million legal immigrants, including 450,000 children, would lose SSI and/or food stamps.—Children's Defense Fund

10% of all families nationwide would lose some benefits.—Children's Defense Fund

For families with children, more than 20% would lose some benefits.—Children's Defense Fund

20% of families with children would have their incomes reduced by $1,300 a year.—Children's Defense Fund

LEGAL IMMIGRANTS

500,000 legal immigrants will be cut off the SSI rolls—Washington Post, May 3, 1997

Nearly 1,000,000 legal immigrants will lose food stamps.—Washington Post, May 3, 1997

400,000 elderly legal immigrants will not receive SSI.—Los Angeles Times, June 5, 1997

100,000 severely disabled legal immigrants will be cut off SSI.—New York Times, June 5, 1997

1,000,000 legal immigrants could lose food stamps nationwide.—Los Angeles Times, May 2, 1997

Four states—California, New York, Florida, and Texas, with ⅓ of the House of Representatives and all with Republican governors—would be the hardest hit under this new law.—Newsday, April 10, 1997

Legal immigrants account for 5% of those in the U.S. who receive welfare, but will bear 44% of the cuts.—San Francisco Chronicle, February 13, 1997

Legal immigrants—including those poor legal immigrants over 75 or permanently disabled—are wholly ineligible for food stamps.—Center on Budget

CALIFORNIA

224,000 legal immigrants will be cut off in California—Rocky Mountain News, May 17, 1997

Over 3,000 elderly legal immigrants will lose welfare benefits in Sacramento County.—Sacramento Bee, May 17, 1997

41% of all legal immigrants who are scheduled to lose disability payments live in California.—Los Angeles Times, May 2, 1997

427,000 legal immigrants live in California.—Los Angeles Times, May 2, 1997

135,000 legal immigrants over 65 years old live in California.—San Francisco Chronicle, April 19, 1997

Three-fold increase in the number of new homeless.—Alameda County Health Care Services

In California, hundreds of thousands coming off the welfare rolls would vie with one million already on the unemployment rolls for entry-level jobs.—San Francisco Chronicle, January 10, 1997

LOS ANGELES COUNTY

In Los Angeles County 430,000 legal immigrants could lose food stamps and other federal aid.—San Francisco Chronicle, February 13, 1997

In Los Angeles County, welfare cutbacks will impact 518,000 people.—Children's Defense Fund

Up to 227,600 people could lose health care insurance in Los Angeles County.—Children's Defense Fund

Up to 30,000 women could lose prenatal care in Los Angeles County.—Children's Defense Fund

Up to 21,000 additional children could wind up in Foster Care in Los Angeles County.—Children's Defense Fund

Nearly 200,000 legal immigrants on AFDC in Los Angeles County would lose their benefits.—San Francisco Chronicle, February 13, 1997

150,000 receive SSI in Los Angeles County.—San Francisco Chronicle, April 19, 1997

90,000 receiving SSI in Los Angeles County are children.—San Francisco Chronicle, April 19, 1997

200,000 legal immigrants in Los Angeles County on AFDC face a cutoff.—San Francisco Chronicle, April 19, 1997

In Los Angeles County, 430,000 legal immigrants could lose food stamps and other federal aid.—San Francisco Chronicle, February 13, 1997

Nearly 200,000 legal immigrants on AFDC in Los Angeles County would lose their benefits.—San Francisco Chronicle, February 13, 1997

CONNECTICUT

19,000 legal immigrants in Connecticut are on SSI.—Hartford Courant, January 31, 1997

PENNSYLVANIA

484,000 families on AFDC will be affected in Pennsylvania.—Pittsburgh Post-Gazette, March 2, 1997

NEW YORK

The new law will affect 70,000 in New York City.—Newsday, April 22, 1997

85,000 legal immigrants will lose benefits in New York City.—New York Times, May 10, 1997

In an area of Brooklyn called Southside, nearly ½ of the 27,000 residents receive some form of public assistance. If thousands lose their benefits, it would bring extreme hardship to this neighborhood.—New York Times, March 10, 1997

FLORIDA

54,000 legal immigrants live in Florida.—Sun-Sentinel, April 20, 1997

39,000 legal immigrants in Florida are over 65 years old.—Sun-Sentinel, April 20, 1997

43,000 legal immigrants in Florida live in just one county, Dade County.—Sun-Sentinel, April 20, 1997

GRAND OPENING OF THE SUTTER ROSEVILLE MEDICAL CENTER

HON. JOHN T. DOOLITTLE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DOOLITTLE. Mr. Speaker, I would like to call to your attention the momentous occasion of the grand opening of the new Sutter Roseville Medical Center, located in Roseville, CA. The center will officially open its doors to patients on Sunday, June 22, 1997.

Sutter Roseville Medical Center is an affiliate of Sutter/CHS, one of northern California's largest not-for-profit health care systems. The medical center will open with 168 licensed beds and the capacity to expand to 188 beds if the need arises. The inpatient areas of the new medical center will include a dedicated birth center, an emergency department and trauma center that is three times the size of the existing Sutter Roseville, and a beautiful, home-styled skilled nursing facility.

The 315,000-square-foot medical center was designed by staff, physicians and members of the community to be responsive to patient and family needs. A critical aspect of the medical center's development is its incorporation of user-friendly outpatient services into its overall design. Another hallmark of the new Sutter Roseville Medical Center is the accentuation of the natural beauty of the Placer County oaklands, which provide a healing environment for patients and their families.

It should also be noted that this remarkable facility would not have been possible without the tremendous commitment and support of the Roseville community. Forty five years ago, this community rallied to raise funds to make Roseville's first hospital a reality. Today, after years of planning and preparation and the raising of over $1.8 million, the Roseville community has once again shown what can be accomplished when people join together toward a common and worthy cause.

Mr. Speaker, I ask that you join me, our colleagues, the residents of Placer County and the city of Roseville in celebrating the grand opening of the Sutter Roseville Medical Center.

A TRIBUTE TO THE REDLANDS HIGH SCHOOL MOCK TRIAL TEAM

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine achievements of an outstanding group of students from Redlands High School in San Bernardino County, CA. Earlier this year, the Redlands High School mock trial team participated in and emerged victorious from both the San Bernardino County championship and State championship competitions, earning the right to compete at the national level.

Under the fine coaching of Donna St. George of Redlands High School and legal coaching of Michael Knish, a deputy public defender for San Bernardino County, the 11-

member mock trial team won the San Bernardino County championship on March 1. On April 6, these dedicated students defeated the best teams in the State of California to win the State championship in Sacramento. As a result of that victory, the Redlands High School mock trial team traveled to Nashville in May to compete in the national championship. They emerged from this competition with a 16th place finish putting Redlands High School among the finest in mock trial teams in the entire United States.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to Manuel Aguilar, David Burton, Christopher Carrillo, Jesse Dioquino, Angela Gi, Erica Hagstrom Kevin Hicks, Rachel Julagay, Grace Kong, Candice McNeil, and Tiffany Wang. To say the least, I am extremely proud of these fine students and it is only fitting that the House of Representatives recognize their achievements today.

INTRODUCTION OF THE CARL D. PERKINS VOCATIONAL-TECHNICAL EDUCATION ACT AMENDMENTS OF 1997

HON. FRANK RIGGS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. RIGGS. Mr. Speaker, today I am introducing the Carl D. Perkins Vocational-Technical Education Act Amendments of 1997. This bill reauthorizes and reforms the current vocational education statute.

Let me state for the record that this legislation is not, nor is it intended to be, comprehensive school reform. Neither is this legislation intended to be school-to-work or expansion of the School-to-Work Act. School-to-work is a separate freestanding act.

Seventy-five percent of our Nation's youth do not receive a 4-year college degree. It is imperative that our youth receive a high quality education whether they are bound for college, the military, further education or training or directly into the work force.

Too many high school graduates are functionally illiterate—unprepared to meet the needs of the next century. I believe this bill—which focuses on strengthening the academics of vocational-technical education—will work toward eradicating this problem. According to a witness who testified before my subcommittee on the legislation, functional illiteracy costs U.S. business $300 billion annually.

Our Nation's youth deserve a quality education—whether they pursue a vocational-technical course of study or college prep. We should have high expectations of our students.

Education is the key to our Nation's future economic prosperity and the cornerstone of equal opportunity in American society. It is my hope that this legislation broadens the opportunities for vocational-technical students after high school. We held a hearing at Thomas Jefferson High School for Science and Technology in Fairfax, VA and were told by northern Virginia business leaders that 18,000 jobs are currently unfilled in northern Virginia because individuals do not have the skills to fill them. the average salary for these jobs is over $45,000.

If we are going to ensure that America meets the next century as a world leader, we need to focus on making sure our citizens have the technological skills to compete. I want to eliminate the functional illiteracy that permeates our work force.

It is my intent with this legislation that we do not leave behind the 75 percent of students who do not receive a 4-year college degree. I truly think it is time that we stop telling 75 percent of our country they are not good people because they do not have a baccalaureate degree.

This bill would also send 90 percent of funds to the local level. If we are going to see true change in vocational-technical education, it is not going to come from the Federal level. It is going to come from the local level—from the teachers who are in the classroom making a difference.

I have been working very closely with the ranking member of the subcommittee, MARTY MARTINEZ, and hope that he will support the bill and that we can have a bipartisan bill with a broad base of support.

Concerns have been raised regarding the authorization level of the bill—that the number is too low. The 1990 amendments reauthorized the program at $1.6 billion—a number that was never reached. Current appropriation amounts for vocational-technical programs are a little over $1 billion. I believe we should authorize more closely to actual appropriations amounts. Some have suggested using such sums for an authorization amount. While I support this idea, I have been told that the Congressional Budget Office for scoring purposes recommends an actual dollar figure.

INTRODUCTION OF THE LOCAL TELEVISION COMPETITION AND DIVERSITY ACT

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, I rise today to offer a substantive piece of legislation regarding the duopoly rules of broadcast ownership under the current law.

In the historic Telecommunications Act that was introduced in 1995, the Commerce Committee of the House of Representatives included provisions in its version of the act that would have allowed ownership of two broadcast stations in a local market. The members of the House Commerce Committee who supported duopoly reform believed that allowing one person or entity to own two such stations would not have a negative effect on local communities, but would in fact promote programming diversity and would strengthen local broadcast owners who could not operate their businesses in a way that provided the best programming services to their local communities.

Unfortunately, our efforts were not agreed to by our Senate colleagues and the duopoly provisions were not a part of the final conference report to the Telecommunications Act, which was signed into law by President Clinton in 1996.

In order to rectify this situation, I have introduced this legislation to provide for real duopoly reform. The heart of the legislation would allow a person or company to own two stations in a local market, but one would have to be a UHF station. Therefore, such an entity could own two UHF stations or a VHF–UHF combination. Notwithstanding, however, the FCC still would have an override of that duopoly condition if they significantly harm diversity in their opinion.

This bill also would allow the FCC, under unusual and compelling circumstance, to allow a person or company to own two VHF stations. Relaxation of the duopoly rule will mean more local programming in the market, more news, more sports, and more children's programming. This change is necessary to ensure that free, over-the-air television continues in a multichannel world.

The communications marketplace today is vastly different than when the television local ownership rule was last examined in 1964. Since that time, there has been a substantial increase in the number of broadcast television stations and phenomenal growth in other video technology and outlets, including cable, DBS, wireless cable, and Internet broadcast. There are now more voices in every market, and more competition for viewers and advertising dollars with these additional players. The competition for advertising dollars has been particularly formidable as cable systems increasingly cluster themselves over entire local markets, thus enabling them to offer advertisers the same buy as local broadcasters.

The sheer abundance of media outlets now available to consumers ensures that a relaxation of the duopoly rule to permit UHF–UHF and UHF–VHF combinations poses no threat to diversity and competition. Indeed, a revision of the duopoly rule will help preserve diversity and competition in local broadcasting markets.

Whether it is providing critical emergency information, as in the case of the recent North Dakota floods, or covering local sports teams, or reporting the local news, local stations serve a unique and vital role in their communities, all at no cost to the viewing public. But local programming is very expensive to produce. Duopoly rule revision will give stations flexibility to pool resources and provide more quality programs for their communities. At the same time, wireless broadcasters and Internet providers will still be competing with these broadcasters for consumers.

I strongly believe that this is good legislation, especially in light of the dramatic ownership changes already taking place in the field of telecommunications. Considering the Bell Atlantic–NYNEX merger, the MCI–BT announced merger, and the proposed AT&T–SBC merger, we are seeing clear consolidation in telephony. There is also multichannel ownership in cable services and cross-cable services, such as Viacom owning MTV, Nickelodeon, and other stations, as well as ABC owning 80 percent of ESPN.

The banning of ownership of two local broadcast stations is a glaring deficiency and unfair result of the Telecommunications Act. The multiple current instances in the industry of Local Marketing Agreements [LMA's], which allows two local broadcast stations to combine efforts and financial relationships in order to

improve their stations' programming ability, reflect that such duopoly ownership could actually promote diversity in programming, as well as saving numerous local stations from bankruptcy enhancing the limited financial resources of many stations.

I am proud to sponsor this legislation and I look forward to the Federal Communications Commission supporting my legislation on duopoly reform through its forthcoming rulemaking on this issue.

SUPPORT WWII ALLIED AIRMEN HELD AS POLITICAL PRISONERS

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. WELDON of Florida. Mr. Speaker, 52 years is a long time to wait, but the Federal Government should finally recognize the bravery and sacrifice of a group of World War II airmen who were held as German political prisoners. These airmen were different from other Allied prisoners because they were held at Buchenwald, a Nazi concentration camp—and therefore not subject to the protections of the Geneva Convention.

Today I am submitting a bill that would give these airmen their long-overdue recognition, and I am proud to say that it has already garnered the bipartisan support of 21 of our House colleagues. Representative PETER DEUTSCH assisted me in this important effort, and I thank him for his early support of this bill. An identical bill will be introduced this week by Senators TIM HUTCHINSON and JOSEPH LIEBERMAN.

The Nazi concentration camps will forever occupy a ignominious place in our human history, and we have long recognized the bravery and daring of many prisoners who fought their Nazi oppressors and struggled to win political and religious freedom. But tragically, the United States has never formally recognized the service, sacrifice, and bravery of these American airmen while they were held as political prisoners at the Buchenwald Concentration Camp.

My bill, which is endorsed by the American Ex-Prisoners of War and the Veterans of Foreign Wars, would recognize these 82 American airmen and ask that the President issue a proclamation commending them, by name, for their service. I have also included a list of these airmen, by name, that I would ask be inserted in the CONGRESSIONAL RECORD.

I encourage all of my colleagues to join us in support of this important measure, so that those veterans still living, and the families and friends of those who have passed on, can fully realize the public recognition these brave men so surely deserve.

LIST OF WWII AMERICAN AIRMEN HELD AT BUCHENWALD CONCENTRATION CAMP

NOT LOCATED

Freeman, E.C.
Hanson, J.T.
Horrigan, R.J.
Scharf, B.T.
Scott, G.W.

DECEASED

Alexander, William
Beck, Levit C.
Crouch, M.E.
Duncan, James H.
Heimerman, L.A.
MacLenahan, J.H.
Mauk, W.E.
Pecus, Steve
Pennel, Sam
Smith, J.W.
Vance, Ira E.
Wilson, P.J.
Zeiser, J.
Chapman, Park
Suddock, D.E.
Horwege, G.L.
Edge, W.L.

STILL LIVING

Bauder, W.F.
Bedford, R.L.
Bowen, C.E.
Brown, R.H.
Carr, F.W.
Chalot, J.A.
Chessir, D.
Coats, B.A.
Cowan, F.K.
Coffman, J.D.
Dauteul, D.F.
Denaro, Joe
Fore, J.W.
Hastin, J.D.
Hilding, R.D.
Hunter, H.F.
Johnson, R.T.
King, Myles A.
Larson, M.E.
Little, B.S.
Ludwig, E.F.
McLaughlin, D.G.
Mitchell, G.E.
Moser, J.F.
Pacha, A.M.
Paxton, S.K.
Powell, W.
Raynolds, N.L.
Richey, G.T. Sr.
Ritter, E.W.
Roberson, C.W.
Ryherd, W.H.
Shearer, D.R.
Straulka, P.A. Jr.
Sypher, L.H.
Thompson, W.A.
Vratney, Frank
Watson, J.P.
Ward, Robert
Williams, W.J.
Zander, A.E.
Phelps, B.F.
Pelletier, A.J.
Friel, Edward J.
Petrich, M.R.

ON CONDEMNING PALESTINIAN DEATH PENALTY FOR LAND SALES

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. DINGELL. Mr. Speaker, today the House agreed to an amendment to H.R. 1757, the Foreign Policy Act, which condemns the use by the Palestinian Authority of the death penalty for any Palestinian who sells land to a Jew.

Indeed, the statements cited in the resolution offered by the gentleman from New York [Mr. PAXON] cause great concern because those statements support a violent, divisive, and foolish policy which is based in prejudice and hatred. To condone, or worse yet promote, the execution of citizens for the sale of property to Israelis is wrong, and I support this body's assertion that this policy should be condemned.

I am troubled, however, Mr. Speaker, by the tone of the amendment offered by the gentleman from New York, as well as by the accusations that this behavior represents a unique and unilateral breach of the Oslo accords. Most knowledgeable individuals and observers understand that the breakdown of the Middle East peace talks plays prominently in the background of policies on all sides which have stymied constructive peace negotiations.

Both Israel and the Palestinian Authority have undertaken activities which have led to charges that each side has violated the peace agreements signed on the South Lawn in 1993. Following the recent insistence by Israel that construction of settlements in Har Homa must go forward, there has been a break in the peace talks which has greatly concerned our Government. Secretary of State Albright has concluded that a trip to the region makes little sense until Israel and the Palestinians do more on their own to break the impasse and resume a constructive dialog.

Given these many problems, Mr. Speaker, I must express my reservations with the parts of the amendment offered by the gentleman from New York which imply that only the Palestinian Authority must resume a responsible course. For when it comes time for the President to assure that the Palestinian Authority is meeting its commitments to Israel, will anyone be mindful of the commitments made by Israel to the Palestinians?

CLARIFYING THE TAX TREATMENT OF AVIATION MAINTENANCE COSTS—PREVENTING COST INCREASES OF AVIATION SAFETY

HON. MAC COLLINS

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. COLLINS. Mr. Speaker, today I rise to introduce legislation that will clarify in the Internal Revenue Code what has historically been and should continue to be the tax treatment of expenses attributable to certain FAA-mandated aviation industry maintenance checks.

The IRS has attempted to change the historical tax treatment of certain aviation maintenance expenses by denying the industry's ability to deduct those that arise from ordinary and necessary maintenance and repair of aircraft. Instead, the IRS is requiring that these maintenance costs be treated as nondeductible capital improvements. Previously I joined with several of my colleagues and asked Secretary Robert Rubin to reverse the agency's position. Although I was assured the issue would be studied and I would receive a response, to date I have received no reply.

I strongly support a clarification of the tax treatment of these maintenance expenses so the aviation industry may continue to deduct these expenses. Doing so is important in order to prevent increasing the costs of aviation safety.

I strongly encourage my colleagues to join this effort by cosponsoring this legislation.

MFN

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. GILMAN. Mr. Speaker, today, I received a copy of an excellent paper from Frank Gaffney with the William J. Casey Institute of the Center for Security Policy. The paper makes the excellent point that: "While MFN is a blunt instrument * * * it is also the only measure currently on the table that is remotely proportionate to the magnitude of the danger Beijing is creating, to a considerable degree

with resources it is garnering from trade with the United States."

I ask that my colleagues read the paper and request that the full text be printed at this point in the RECORD:

NON-RENEWAL OF MFN FOR CHINA: A PROPORTIONATE RESPONSE TO BEIJING'S EMERGING, TRADE-SUBSIDIZED STRATEGIC THREAT

WASHINGTON, DC.—Congress is expected shortly to consider President Clinton's proposal to renew for an additional year China's Most Favored Nation (MFN) status. While there are many compelling reasons for opposing such a renewal, the William J. Casey Institute of the Center for Security Policy believes that there is one overarching factor that demands this step: Communist China is utilizing much of the huge trade surplus that it enjoys thanks to this privileged trading status to mount a strategic threat to the United States and its vital interests in Asia, the Middle East and beyond.

While MFN is a blunt instrument—affecting, if it is denied, millions of innocent Chinese workers, the economy of Hong Kong, U.S. jobs associated with exports to and imports from China, etc.—it is also the only measure currently on the table that is remotely proportionate to the magnitude of the danger Beijing is creating, to a considerable degree with resources it is garnering from trade with the United States.

CHINA'S OFFENSIVE STRATEGY

In the Summer 1994 edition of Orbis, Ross H. Munro reported that, in 1993, the West was afforded "an unprecedented—and at times disturbing—inside look at how important elements in China's armed forces view neighboring countries as well as the United States." This insight was obtained when a Western diplomat serendipitously obtained a copy of a book entitled "Can China's Armed Forces Win the Next War?" that had been published by the People's Liberation Army (PLA) for internal consumption only.

According to Munro, this book provided "virtual confirmation of reports . . . that the Chinese leadership in general and the senior Chinese officer corps in particular view the United States as China's principal adversary now and for decades to come." This view has become even more entrenched during the intervening years. As Munro and co-author Richard Bernstein put it in their own, critically acclaimed book published earlier this year, "The Coming Conflict with China."

"China's harsh rhetoric and incidents like [a dangerous U.S.-Chinese naval encounter in October 1994] in the Yellow Sea are not so much temporary responses to a temporary situation but products of a fundamental change in the Chinese attitude toward the United States. The use of the words 'hegemonism,' 'subversion' and 'interference' with regard to the United States signals a change in China's strategic thinking. Before, Beijing saw American power as a strategic advantage for the PRC; now, it has decided that American power represents a threat, not just to China's security but to China's plans to grow stronger and to play a paramount role in the affairs of Asia.

"China, in short, has determined that the United States—despite the trade, the diplomatic contacts, the technology transfers, the numerous McDonald's and Kentucky Fried Chickens open in the People's Republic, despite even the limited amount of cooperation that still existed between the two countries—is its chief global rival."

The enormous impetus behind China's determined effort to acquire a modern military capable of decisively projecting power derives from this zero-sum view of the U.S.-PRC relationship.[1] The Chinese leadership believes, after all, that it must be able not only to dominate the nations of East Asia and the South China Sea. It sees China as having to exercise control over the Pacific out to what the Chinese call "the second island chain" (i.e., the Philippines, Japan and even the U.S. territory of Guam).[2] The larger purpose appears to be even more ambitious: to render the United States incapable of exercising influence in Asia that would compete with, let alone counter, Chinese hegemony in the region.

IMPLEMENTING THE STRATEGY

The Chinese are pursuing a multifaceted campaign to accomplish these strategic objectives. The following are among the means the PRC is pursuing toward such ominous ends:

Strategic Force Modernization: The Washington Times recently reported that China is expected to begin deploying by the year 2000 an advanced intercontinental-range ballistic missile, designated the Dong Feng-31 (DF-31). This missile will give Beijing the ability to deliver nuclear warheads with great accuracy throughout the Pacific and parts of the western United States.

The DF-31 reportedly is benefitting from SS-18, SS-25 and Topol-M ICBM technology China is obtaining from Russia and/or Ukraine. Its lethality—and that of other Chinese strategic forces—will be greatly enhanced by supercomputers the United States has provided to Beijing's military-industrial complex.[3] And the DF-31 is expected to be fielded on a mobile transporter-erector-launcher derived from Russian technology supplied by Belarus. The survivability afforded by this MAZ launcher, together with advances in Chinese ballistic missile-launching submarines capable of firing the DF-31, suggests that Beijing is intent on acquiring a formidable strategic nuclear capability that cannot be preemptively destroyed and that will be capable of holding American cities and other targets credibly at risk.

A foretaste of the use to which China may be willing to put such a capability can be seen in a report published on the front-page of the New York Times on 24 January 1996. It described how a senior Chinese official had signaled Beijing's willingness to engage in "nuclear blackmail" against the United States by suggesting that American interference in China's coercion of Taiwan could result in an attack on Los Angeles. In the absence of any deployed U.S. ability to intercept a Chinese ballistic missile launched at Los Angeles—or any other target in the United States—such threats may well have the desired effect.

Build-up of Other Aspects of China's Military: Beijing is also pouring billions of dollars into what might be called a "Great Leap Forward" for other elements of the People's Liberation Army, notably its power-projection capabilities (long-range aircraft, blue-water naval units, precision-guided munitions and unconventional weapons). Such capabilities pose, most immediately, a danger that China will be able to control transit of the South China Sea and access to its energy and other strategic resources.[4]

China's drive to modernize the non-nuclear elements of its military is also benefitting hugely from imported technology. Thanks to advanced machine tools, computer-aided design capabilities, composite materials, chip-manufacturing technology and the other foreign dual-use technology like—whether acquired legally or illegally—together with its purchase of full-up military hardware or components,[5] Beijing is now obtaining new generations of highly competitive jet fighters, cruise missiles, attack submarines and armored vehicles. The threat posed by such weaponry will not arise from China alone; given past Chinese practices, such equipment will shortly be available for purchase by rogue states from Iran to North Korea.

Espionage: The illegal acquisition of U.S. technology—especially that of the dual-use variety—is a priority assignment for the hundreds of People's Liberation Army-owned or -affiliated front companies operating in the United States.[6] Together with large numbers of intelligence operatives, 40,000 graduate and undergraduate students and Overseas Chinese entrepreneurs doing business in this country or with its companies,[7] America faces a literally unprecedented risk of penetration and espionage and, consequently, an immense counter-intelligence challenge. In his new book about economic espionage, "War by Other Means," John Fialka declares that China's prime intelligence agency, the Ministry of State Security, has "flooded the United States with spies, sending in far more than the Russians even at the height of the KGB's phenomenal campaign."

Not least is the danger that China's penetration of the computer and telecommunications industries will translate into a sophisticated, if not unique, Chinese capability to wage information warfare (IW) against the United States. This capability is especially sinister since the vulnerability of America's computer infrastructure to IW attacks offers Beijing a means to inflict grave harm on the U.S. economic and national security in a way that may enable the attacker to avoid detection, responsibility and retaliation.

Arming U.S. Gangs and Drug Lords: China has been caught shipping AK-47s and other lethal firepower to criminal elements in this country with the potential to sow mayhem in American society. PLA-affiliated companies have offered to sell undercover U.S. law enforcement officers posing as drug lords not only automatic weapons—whose lethal effects were evident when the streets of Los Angeles were turned into a war zone by bank robbers wielding AK-47s manufactured by the Chinese firm Norinco[8]—but rocket-propelled grenade launchers, light armored vehicles and shoulder-fired surface-to-air missiles.

China is also believed to be active in supplying narcotics from Southeast Asia to the U.S. market. Its merchant marine—the Chinese Ocean Shipping Company (COSCO)—has been implicated in smuggling drugs as well as guns and other contraband into the United States. President Clinton has nonetheless personally intervened no fewer than three times on COSCO's behalf in connection with the effort this arm of the PLA has been making to take over the U.S. Navy's vast Long Beach Naval Base. This is all the more extraordinary since, according to a senior Soviet military intelligence officer who defected to the United States, China is likely collaborating with Russia in utilizing COSCO assets and facilities for signals intelligence and other espionage activities, pursuant to the two nations' bilateral intelligence cooperation agreement of 1992.

Financial Penetration: Since 1988, China has issued some eighty bonds on the U.S. and Western securities markets. While the bulk of these have been yen-denominated bonds, the total amount of dollar-denominated Chinese bonds (primarily issued in the U.S. market) has now reached at least $6.7 billion.

This preferred borrowing venue provides major Chinese state-owned enterprises and banks intimately connected with the PLA and Beijing's security services with access to large sums of undisciplined, unconditioned and inexpensive cash. This money can be easily diverted to finance activities inimical to U.S. security interests—not to mention American principles and values. Worse yet, in the process, Beijing is successfully recruiting numerous politically influential constituencies in this country that will have a financial vested interest in ensuring that China is not subject to future U.S. economic sanctions, containment strategies or other forms of isolation and/or penalties.

A sense of the implications of such financial operations can be gleaned from the case of one of the conglomerate's run by Wang Jun, the arms dealing Chinese "princling" who was invited to attend a Democratic fund-raising coffee klatch at the Clinton White House last year. The Chinese International Trade and Investment Corporation (CITIC) has, thus far, floated $800 million in dollar-denominated bonds—financial instruments that are now in the portfolios of U.S. pension funds, securities firms, insurance companies and other prominent players in the American investor community.

While the full dimensions of China's efforts to utilize the political access afforded by its financial and other business operations in the United States are, at this writing, far from clear—and currently the subject of intensive congressional and Justice Department investigations, one thing is certain: Beijing has had a keen interest in shaping U.S. policy in various ways, notably by: gaining access to supercomputer and other militarily relevant technology; preventing the exploitation of American deposits of "clean" coal; facilitating the sale of securities in the American market—to say nothing of discouraging close U.S. ties with Taiwan, etc. It adds insult to injury that Chinese efforts to suborn or otherwise influence this country's elected leaders must have been underwritten, at least in part, by the proceeds of undisciplined bond sales to American companies and citizens.

Proliferation: Beijing has, for years, been aggressively and irresponsibly facilitating the spread of weapons of mass destruction (WMD) and other deadly ordinance to rogue states capable of using them against U.S. personnel, interests and/or allies. Worse yet, it seems safe to assume that open source data concerning China's proliferation activities are but the tip of the iceberg. If so, the picture that emerges is one of a nation systematically seeding the Middle East, Persian Gulf and South Asia with chemical, biological and nuclear weapons technology—together with ballistic and cruise missiles with which such arms can be delivered over increasingly long ranges.

This danger is only increased by the prospect that the Peoples Republic of China regards these transactions as more than simply a valuable means of generating hard currency, securing energy supplies and garnering influence around the world. If Beijing is also using proliferation as an integral part of a campaign to diminish U.S. presence and influence in the Western Pacific, the possibility that its clients might use Chinese-supplied arms to precipitate conflict in regions far removed from Asia could seen as desirable by the Chinese leadership. After all, it would almost certainly preoccupy the United States—substantially tying down and drawing down its military, political and strategic resources.

A PRESCRIPTION FOR U.S. POLICY TOWARD CHINA

The United States can no longer indulge in the delusion served up by some of Beijing's paid advocates—namely, that it is up to America whether China will become an enemy. In fact, their writings for internal consumption, their policies and programs make it clear that the Chinese leadership decided to view the U.S. in that way years ago.

The available evidence suggests that it is foolish to discount the implications of China's strategy for U.S. security out of some confidence that Western capitalism's "engagement" with Beijing will ensure that the PRC is transformed, over time, into a benign international power. Americans' ironic embrace of this variation on the Marxist concept of economic determinism not only disregards the practical effects of such "engagement" to date; it also overlooks the dangers that are likely to arise in the interim.

Accordingly, while the United States would prefer to avoid confronting China, it has no responsible choice under present and foreseeable circumstances but to stop engaging in activities that are having the effect of making it yet more difficult and more dangerous to challenge the PRC. The William J. Casey Institute of the Center for Security Policy believes that the place to start is by non-renewal of MFN for China.

This action should be complemented, however, by a number of other, critically important initiatives. These include:

Denying PLA-front companies and other inappropriate Chinese borrowing entities the opportunity to sell bonds in the U.S. market. This step can be taken in a non-disruptive fashion (e.g., by creating a security-minded screening mechanism for these prospective bond issuers) without fear of jeopardizing U.S. exports, jobs or "people-to-people" contacts unaffected by such transactions.

Blocking Chinese access to strategic facilities (in the U.S. and elsewhere, notably at the eastern and western ends of the Panama Canal).

Prohibiting the sale of American military production facilities and equipment to China.

Terminating the "anything goes" policy with respect to the export of dual-use technology to Chinese end-users. In the interest of obtaining maximum pressure for change in China, U.S. allies should be offered the same choice they are currently given under the D'Amato legislation on Iran and Libya (i.e., foreign companies and nationals must decide whether to export militarily-sensitive equipment and technology to China or risk losing their unfettered access to the American marketplace).

Increasing significantly the resources dedicated to uncovering and thwarting Chinese espionage, technology theft and influence operations in the United States. And

Intensifying efforts to provide truthful information and encouragement to those resisting communist repression (including greatly expanding the operations of Radio Free Asia; enforcing the existing bans on the importation of slave labor-produced goods; imposing penalties for religious intolerance, etc.) After all, how a nation treats its own people is a good indicator of how it is likely to deal with those of other states.

This step can help make clear that the United States is not an enemy of the Chinese people, but that it steadfastly opposes the totalitarian government that brutally rules them. It can also help undercut the nationalist xenophobia that the Chinese leadership promotes in its bid to retain power.

THE BOTTOM LINE

The Casey Institute is under no illusion that the tremendous course-correction entailed in such steps will be easily taken by either the U.S. executive or legislative branches. Still, the nature of the threat posed by China is in key respects of a greater magnitude and vastly greater complexity than that mounted by the Soviet Union at the height of the Cold War. It behooves the United States correctly to perceive this danger and respond appropriately before it becomes any harder to do so.

FOOTNOTES

[1]According to a front-page article in the 19-25 May 1997 issue of Defense News; the Pentagon has just released a study entitled "Chinese Views of Future Warfare," that draws on Chinese writings to document "Beijing's doctrinal shift from a low-technology, personnel-intensive people's war to high-technology regional warfare based on information deterrence and possible first-strikes."

[2]China evidently concluded after Operation Desert Storm that the traditional strategy of defending its homeland by retreating into the hinterlands and waging "people's war" could not assure victory against a modern military force like that of the United States. Consequently, the PRC had to adopt a forward defense—geared toward denying the U.S. the in-theater bases, logistical facilities and staging points that were decisive to the Gulf War's outcome.

[3]According to the New York Times of 28 May 1997, the United States has sold 46 supercomputers to China over the last 18 months, "giving the Chinese possibly more supercomputing capacity than the entire Department of Defense." Matters are made worse by former Secretary of Defense William Perry's decision to redefine what a "supercomputer" is: Where in 1992, the standard was arbitrarily increased from 195 MTOPS (million theoretical operations per second) to 10,000 MTOPS. As a result, many extremely powerful machines that fall below the new definition of supercomputer have also been made available for export to China.

[4]For a frightening illustration of the implications of such a development, see Dragonstrike: The Millennial War by the respected British journalists, Humphrey Hawkins and Simon Holberston.

[5]Two articles documenting China's acquisition of militarily relevant technology from the United States and other Western nations are: a front-page Wall Street Journal article by Robert S. Greenberger which appeared on 21 October 1996 and was entitled "Let's Make a Deal—Chinese Find Bargains in Defense Equipment as Firms Unload Assets"; and "Unilateral Armament—Until China's Position in the World is Better Defined, Western Countries Should Stop Selling Arms to Beijing," by Richard Fisher, Jr. which appeared in the 2 June 1997 edition of National Review.

[6]Insight Magazine's Tim Maier cites Wall Street Journal reporter John Fialka as estimating that "about 450 Chinese companies are under federal investigation for economic espionage in the United States," See "PLA Espionage Means Business," 24 March 1997, pp. 8-14.

[7]According to Randolph Quon, an investment banker who formerly worked closely with the Chinese leadership, 150 prominent overseas Chinese families—including the Riadys of Indonesia—represent enormously important economic and strategic assets to the PRC's leadership. Their huge net worth (measured by some observers to be in the trillions of dollars), their influence in their respective countries and their ability to serve as indigenous surrogates, if not as "Fifth Columns," for Beijing enormously complicates the task of responding to China's predations.

[8]According to the London Sunday Times of 6 April 1997, "Norinco [is] a huge state-run arms manufacturing conglomerate, which answers to the State Council, China's cabinet. Norinco has been implicated in the supply to Iran of strategic materials that could help the Islamic regime develop weapons of mass destruction. Its ultimate boss is Li Peng, China's prime minister."

TRIBUTE TO WILLIAM H. OLIVER, AN OUTSTANDING, UPSTANDING AND UNDERSTANDING MAN

HON. DONALD M. PAYNE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. PAYNE. Mr. Speaker, Thursday will mark a milestone in the life of one of my outstanding, upstanding, and understanding constituents. This exceptional person is William H. Oliver. Mr. Oliver will celebrate his 85th birthday on June 12.

Mr. Oliver has lived in East Orange, NJ for 46 years. He is a native of Chase City, VA where he grew up. A true believer in the strength of family, Mr. Oliver has dedicated his life to raising and supporting a family that continues to grow in terms of number, scope, and purpose. Mr. Oliver's family reaches beyond his blood line and includes his church family and the community-at-large.

Mr. Oliver is a very active man. He is thankful for his good health and uses his energy and resources to better himself and the world around him. He is a deacon and the treasurer of his church, Messiah Baptist Church, East Orange. He has held these positions for more than 20 years. His church activities have also included being a member of the trustee board, the male chorus, and past chairman of the Flower Guild. His religion and the love and teachings of Jesus have helped to sustain and refresh him. He is also a Master Mason. His lodge, Jeptha 56, is very fortunate to have him involved in their activities.

When we become older our relationships with our children sometimes change, the provider/dependent roles are switched. That is not the case in Mr. Oliver's life. His two children, William H.L. and Gloria are both accomplished, caring, and committed individuals who serve the law enforcement community. His son is captain of investigators with the Essex County Prosecutor's Office and his daughter is lieutenant with the East Orange Police Department. They use their careers to truly serve, protect, and guide. What is wonderful about these two is their relationship with their dad. They proudly and constantly display their love and respect. It is not uncommon for them to seem like the boy and girl of their youth when it comes to their dad.

Captain Oliver can be seen raptly listening to advice from his experienced elder. Lt. Oliver can be overheard extolling the virtues of her dad and saying how fortunate she is to have him around.

Mr. Speaker, I am sure my colleagues will want to join me as I wish Mr. William H. Oliver a happy birthday and happy Father's Day. I would also like to extend best wishes to Mr. Oliver's descendents in this strong, stable, and viable family—son, William H.L.; daughter, Gloria; granddaughters, Shelly and Krystal, and their husbands, Oran and Vincent; and great-granddaughters, Kourtney and Madison; and the next great-grandchild to be born in December. May God continue to keep and bless each of you.

OKLAHOMA CITY NATIONAL MEMORIAL ACT OF 1997

HON. FRANK D. LUCAS

OF OKLAHOMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. LUCAS of Oklahoma. Mr. Speaker, today I introduce legislation to establish a national memorial in Oklahoma City by establishing the Oklahoma City National Memorial as a unit of the National Park System and to designate the Oklahoma City Memorial Trust. Few events in the past quarter century have rocked Americans perception of themselves and their institutions, and brought together the people of our Nation with greater intensity than the April 19, 1995, bombing of the Alfred P. Murrah Federal Building in downtown Oklahoma City.

The results of the explosion resulted in the deaths of 168 people. Families and survivors struggled and continue to struggle with the suffering around them and with their own physical and emotional injuries which ultimately shaped their life beyond April 19. Although, these losses and struggles are personal, they resulted from a public attack and are shared with the community, the Nation, and the world. The response of Oklahoma's public servants and private citizens, and those throughout the Nation, remain as a testament to the sense of unity, compassion, heroism, that characterized the rescue and recovery following the bombing.

Due to the national and international impact and reaction, the Federal character of the site of the bombing, and the significant percentage of the victims and survivors who were Federal employees, the Oklahoma City Memorial will be established, designed, managed, and maintained to educate present and future generations, through a public-private partnership, to work together efficiently and respectfully in developing a national memorial relating to all aspects of the April 19, 1995, bombing in Oklahoma City. The character of Oklahomans continue to be on display in their asking the Federal Government for financial assistance on this project. Although the memorial will need approximately $24 million to be established, Oklahomans are asking that legislation establish the Oklahoma City National Memorial as a unit of the National Park System and authorize only $5 million in Federal funding.

In addition to the proposed Federal money, the Oklahoma City Memorial Foundation is seeking $5 million from the Oklahoma State Legislature and $14 million in private donations. The memorial will encompass the Murrah building site, Fifth Street between Robinson and Harvey, and the sites of the Water Resources and the Journal Record buildings. Both National Park Service and non-park service personnel will staff the grounds.

I ask that my colleagues join me in supporting such a worthy piece of legislation. It is the right thing to do.

TRIBUTE TO HANS CHRISTIAN ACKERMAN, RECIPIENT OF THE RHODES SCHOLARSHIP

HON. HERBERT H. BATEMAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. BATEMAN. Mr. Speaker, I rise today to commend and congratulate Mr. Hans Christian Ackerman, a recipient of the prestigious Rhodes scholarship. Hans, a graduate of Menchville High School in Virginia's First District and a 1997 graduate of the College of William and Mary, is one of only 32 students nationwide to earn the much coveted scholarship in honor of philanthropist Cecil Rhodes.

As an interdisciplinary studies major and a member of Phi Beta Kappa, Hans specialized in molecular and cellular biology in college. The Rhodes scholarship will enable him to continue his research on infectious disease in Third World countries at Oxford University for the next 3 years.

Much of Hans' scientific curiosity and his dedication to health in underdeveloped countries was fostered by living with his family in Zaire for 7 years. As a child, Hans witnessed the ravages of rubella and malaria throughout the African populations and was disquieted by the inability to prevent such rampant disease.

Last summer, Hans returned to Africa for 7 weeks as a volunteer with the Kenya AIDS Non-Governmental Organizations Consortium. In Kenya, he spent his time as an AIDS educator and helped administer polio vaccinations.

As a result of his upbringing and his experiences, Hans intends to dedicate his life to preventive care medicine as a primary care provider in underdeveloped countries.

Hans' academic success an spirit of volunteerism are matched only by his achievements in the field of music. While at the College of William and Mary, he actively participated in the Gentlemen of the College a cappella group, the William and Mary Choir and the Early Music Ensemble.

Hans has demonstrated outstanding scholastic achievement, a dedication to the prevention of the spread of deadly disease, and a commitment to improving health care in underdeveloped countries. His variety of interests prove him to be a strong role model for any young American. In view of this young man's special achievements, a hope you will join me in congratulating Mr. Hans Christian Ackerman on being chosen as one of the America's Rhodes scholars.

CAPTAIN BODGIT GAVE THIS OWNER THRILL OF A LIFETIME

HON. CLIFF STEARNS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. STEARNS. Mr. Speaker, a former colleague, Congressman Tom Evans has captured the essence of horseracing in America. I'm pleased to make this part of the RECORD because of its significance.

[From the Daily Racing Form, June 7, 1997]

CAPTAIN BODGIT GAVE THIS OWNER THRILL OF A LIFETIME

(By Thomas B. Evans Jr.)

"My Old Kentucky Home," so symbolic of all that the Kentucky Derby represents, was a song I had always loved to sing on many trips to Louisville the first Saturday in May. This year it was even more special, but I could only finish the first few lines. I'm sure it was in part because it's so unlikely that I would ever again have the chance to sing it as an owner, albeit only a small percentage one, of a wonderful horse like Captain Bodgit.

The shared excitement and joy felt by the many owners of Captain Bodgit was contagious and added to his increasing popularity and to the excitement of the moment. As I glanced at the tote board indicating the odds, the Captain was clearly the favorite of the majority at Churchill Downs as well. I was aware of the crowd, and through tears, also of the many people offering encouragement and good luck. However, my thoughts were of the sacrifice, the discipline and hard work that it took to get to the Kentucky Derby.

I thought of the young trainer. Gary Capuano, I was standing behind, and Captain Bodgit's grooms, and exercise rider. Sammy Davis, all of whom cared so much about Captain Bodgit. I thought of the passion with which the Captain approached his races and his workouts and the marvelous example that sets for everyone.

Years of going to the races and enjoying many great times at Derbys past could never prepare you for this incredible moment played out in two electrifying minutes in arguably the greatest classic in American sports. From my own perspective, the anxiety that accompanies political campaigning cannot compare with the anxiety you feel in the days, hours and minutes leading up to the Kentucky Derby.

I thought of so much in those few minutes before the race, including the marvelous support of racing fans, friends and family, and some of my former colleagues in Congress—all of whom I knew were rooting for Captain Bodgit. I thought of my mother and father and the many fun times we had at Delaware Park. As the starting gate opened, the exhilaration and rush of adrenalin I felt were almost beyond comparison.

The stirring stretch drives of the Captain and the courage he displayed along with Free House and Silver Charm will forever be etched in my mind. Taking nothing away from any of the other horses, and especially Silver Charm and Free House, I will always believe in my heart that our horse could have won both races with any degree of racing luck.

Being forced to change leads in the stretch robbed him of his momentum in the Derby, and still, he lost by only a head. Drawing a post position in the Preakness next to a very nervous and fractious horse did not help his start in that race. Starting from 13 lengths behind at Pimlico is difficult to make up, especially on a track that was not kind to closers.

All day long, the track favored speed; therefore Captain Bodgit's sensational close at the end to lose by only a neck was all the more remarkable. The courage he displayed in the last 70 yards of the Preakness was truly unbelievable, and without detracting from the superb talents of Silver Charm, Free House or Touch Gold, I believe the Belmont at a mile and a half was Captain Bodgit's race.

Sadly and unfortunately, we will never know. Out dreams were shattered when word came of Captain Bodgit's injury, which was probably caused by his all-out desire to win in Baltimore. Although the news was bad, I believe most all of us feel that we are indeed fortunate to have had such a marvelous experience.

Although I had dreamed of owning a horse in Kentucky Derby, I never thought it would happen. I will always be thankful of the thrill of owning even a small part of such a wonderful horse.

These great 3-year-olds produced sensational racing and thrilled millions on television. In the process, they have done a lot of thoroughbred racing, which adds so much to so many communities in the United States. From a purely practical standpoint, thoroughbred racing accounts for hundreds of thousands of jobs and hundreds of millions in revenue, not to mention the great enjoyment it brings to so many.

It is sad about Captain Bodgit's injury, but a friend and avid racegoer put it in perspective for me when he said, "Just think, Captain Bodgit will have a new girlfriend every day." I only hope that his offspring will be bred here in America. That way we can look forward to seeing young Captain Bodgit giving us some of the same thrills and displaying the same stamina and courage and the great Captain did for all too short a time.

FAMILY FARM AND SMALL BUSINESS ESTATE TAX RELIEF ACT OF 1997

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. ETHERIDGE. Mr. Speaker, today I am introducing legislation designed to help preserve and protect our Nation's most valuable assets: Families and Family-Owned Businesses.

Family-owned farms and small businesses are the backbone of my State and our Nation. They employ our people, generate economic growth and strengthen our communities. However, Uncle Sam has socked it to family-owned businesses over the years with increasing regulations and taxes. Families are finding it harder and harder to continue operating the family business.

One of the largest obstacles to staying in business for families is Federal estate taxes or death taxes. Before a family has even had the opportunity to properly mourn the passing of a loved one they must begin to face the task of settling the estate. Often a family must endure two deaths; the death of a loved one followed by the death of a business. With tax rates as high as 55 percent on assets in excess of $600,000, death taxes can sap the lifeblood out of a family-owned business and in many cases force the sale of the entire business to settle up with the IRS. Family farms and small businesses are frequently cash poor but rich in assets such as land and equipment. The current $600,000 exemption can often be eaten up in the increased value of land which often has no correlation to the income generating value of the business.

Small businesses and family farm make up 98 percent of all businesses in North Carolina and employ over 50 percent of all workers in North Carolina. The $600,000 exemption is too low and places a burden on some family-owned businesses so severe they cannot survive. People labor too long and hard throughout their lives to see the fruits of their work disappear into Uncle Sam's pockets.

That is why today I am introducing the Family Farm and Small Business Estate Tax Relief Act of 1997. This bill will raise the current exemption for family-owned farms and small businesses from $600,000 to $1.5 million. It will also index the exemption to inflation, something that should have been done a long time ago.

The current estate tax is an unfair double tax on assets generated through income that has already been taxed. It is a disincentive to saving, hard work and entrepreneurship. Current policy undermines everything that is great about America: family, ingenuity, hard work, and providing for the economic security of our children.

There are thousands of Americans across this country that play by the rules and work hard only to be faced with the prospect that their very success will saddle their children with a burden so great that it will force them to abandon the only livelihoods they have ever known.

According to the Congressional Research Service 70 percent of family owned businesses do not survive to the second generation and 87 percent do not survive to the third. This is wrong and it must stop. The Family Farm and Small Business Estate Tax Relief Act is good for our economy, is good for families and is good for America.

I would like to take this opportunity to thank the National Federation of Independent Business (NFIB) and the North Carolina Farm Bureau for their support of my legislation. NFIB and the NC Farm Bureau understand the importance of preserving family-owned businesses.

With the right policies we can strengthen and preserve the family owned business in America. I urge my colleagues to join me in support of this important legislation initiative.

ARMY BIRTHDAY TRIBUTE

HON. JOHN M. McHUGH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. McHUGH. Mr. Speaker, I would like my colleagues here in the House of Representatives to join me in recognizing the birthday of the United States Army. June 14, 1997 marks the Army's 222 years of service to the United States of America.

For 222 years, our Army's purpose has been to fight and win our nation's wars. America's Army exists to give the nation decisive victory on the battlefield and wherever else the nation needs them. Decisive victory today means more than simply destroying the army of an opponent. It can take many forms: saving lives by producing and delivering clean water to Rwandan refugees, restoring democracy in Haiti, or keeping the peace in Bosnia. Whatever the mission, the nation turns to the

Army for help during crises, and the Army delivers success.

The key to the Army's success has been its willingness to change, to meet the world as it is, while remaining constant in its selfless service and its dedication to duty, honor and country. These are not mere words; they are codes by which the Army lives. General Douglas MacArthur, in 1961, summed it up best when he said, "Yours is the profession of arms, the will to win, the sure knowledge that in war there is no substitute for victory—and that if we fail, the nation will be destroyed."

But the world has changed, and it continues to change. For the Army, the 21st century began in 1989. Think about it. From 1950 to 1989, almost 40 years, the United States of America used its military 10 times. Since 1989, we have used our military 25 times, a 15-fold increase. Let's quickly review some of the major recent actions in which the U.S. Army played a critical role: in 1991, Operation Desert Storm in Southwest Asia and Provide Comfort in Turkey and Iraq; in 1992, relief efforts after Hurricane Andrew; in 1993, Restore Hope in Somalia; in 1994, fighting fires in the Western United States, Uphold Democracy in Haiti, and Support Hope in Rwanda; and in 1995 and 1996, Joint, Joint Endeavor and Joint Guard in Bosnia. Yes, during the past 7 years, the Army has done 70 to 80 percent of the heavy lifting, and they have done it for less than 24 percent of the budget given to the Department of Defense. The U.S. Army is indeed a cost-effective force.

The cold war may have been more dangerous, but today's geopolitical environment is more complex. We must deal with the crumbling of an empire—the breaking up nation-states around the world. We must deal with the possibility of proliferation of weapons of mass destruction—a sure knowledge that any nation with resources can buy instant terror. We must deal with uncertainty throughout the world—what's next, where are we headed? We must deal with the explosive release of religious and racial tensions that have lain dormant in the global village for more than 50 years. We must deal with difficult, emotional issues that have been covered up since World War II.

Television and the other electronic news media have taken us back to the future. How our soldiers deal with those tensions is played our for us at breakfast tables and in our living rooms almost instantaneously—24 hours a day, up close and personal.

It is the responsibility of our generation to sustain and pass on an Army that is as good as, or better than, the one we inherited. Today's Army has evolved into a full-spectrum force. It has shed the label describing it as a strictly threat-based force. We have evolved beyond that. We can reassure our friends and allies, and we can provide support to civilian authorities in times of domestic crisis. If necessary, we can compel and deter potential adversaries.

We've moved out on this exciting journey, and we have come a long way. We are bending metal and we are moving electrons across the battlefield. The term includes Army civilians, soldiers and members of industry working together to secure the future.

We are learning the tremendous potential of situational awareness and information dominance. It is very reassuring to know where all our friendly forces are 100 percent of the time, and to know where our enemy is as well. With that kind of intelligence, the Army can do things they've never done before on the battlefield. This will clearly allow the Army to maintain the edge. It clearly will allow this force to be the world's best Army.

We are in the execution mode of Army 21—the Army of the early 21st century—and changing in a fundamentally different way then ever before. We have information dominance.

The Army's Chief of Staff, General Dennis J. Reimer, has said "Army 21 is critical, but it is only an intermediate stop along our journey. The focus of our intellectual efforts has shifted to the 'Army After Next.' The Army After Next is our effort to look as deep as possible into the future, to look at what happens to the world in the 2025 time frame, to evaluate the geopolitics, the technologies, the human resources and war-fighting capabilities that will be available at that time. Army After Next is a totally different force, but we know a lot about it. We know we want to have greater lethality."

"Army After Next is the objective force," General Reimer said, "but the road to Army After Next goes through Army 21. We must insure that we develop the total force design—that we have the training package right, that we have the force structure right, that we validate the doctrine, and that we insure the technology is there so we can leverage the tremendous potential of this great informational dominance."

General Reimer caution us against the notion that new technology will automatically result in large-scale reductions to the size of the Army. Already since 1989, the active force in all the services has been cut by 700,000 people—about a third. The Army has taken its share of the cuts, but there is a limit to the downsizing we can sustain without losing mission readiness. It takes soldiers with the capability for long term commitment to separate warring parties . . . to reassure fearful civilians . . . to restore public order . . . to keep criminals from taking advantage of the vacuum in civil order . . . to deliver humanitarian assistance . . . to prevent and win the nation's wars. Such capabilities require boots on the ground. We must never forget that soldiers are the essence of the Army—always have been and always will be.

The Army is changing to meet the challenges of today, tomorrow and the 21st century. They must change if they are to remain relevant to the needs of the Nation. They must work smarter, and must be willing to take risks. Not to take risks is the greatest risk of all, because they will miss the window of opportunity to tap the tremendous potential that is there. Despite the ambiguity of future warfare and the many forms it may assume, the battlefield will always be a lonely, frightening and dangerous place. Only soldiers of character and courage, trained to a razor's edge—ably led, superbly equipped and in sufficient numbers—will survive there and win tomorrow as they have in the past.

Yes, the Army is changing to meet the challenges of today, tomorrow and the 21st century. This past year, the soldiers bore out that fact very well:

They concluded operations in Haiti, giving that country an opportunity for democracy.

After years of devastation in Bosnia, we finally deployed our soldiers there. To a war-torn country, those soldiers brought hope and more than a year without war. They also showed the world that the United States means business when it places its soldiers on the ground.

Time and time again, the spirit of our soldiers came through in so many ways. One shining example is the bridge we built across the Sava River. Not only was it the longest pontoon bridge since World War II—620 meters long—but they also put it in under the most difficult conditions. They had sleet. They had rain. They had snow. They had freezing cold. They had mud up to their ankles and they had a hundred-year high-water mark. But our soldiers wouldn't be beaten. They put in the bridge. They put it in on schedule so our forces could successfully enter Bosnia. A tremendous accomplishment and a tremendous tribute. It was not only a tribute to technology but, more important, to our soldiers and their indomitable spirit.

The evacuation of Liberia, Operation Assured Response, involved 300 soldiers—special forces, infantry and signal units. They were called upon to assist with the evacuation of American citizens from Monrovia. Most of those soldiers had just returned from Bosnia. They hadn't even turned in their cold-weather gear when we deployed them into the heat of Liberia to evacuate American citizens. They had no time to prepare, but they performed magnificently. They secured all the American citizens and brought them back safe. They did it without casualties—a flawless mission.

The Military Observer Mission Ecuador and Peru takes place on the border between Ecuador and Peru—a contested border area. Fewer than 60 of our soldiers stand guard down there. They're holding together that critical point of the world and they're doing a magnificent job—just a handful of American soldiers.

Probably the world's most visible event took place in Atlanta at the Summer Olympics of 1996. Again, American soldiers—primarily Army National Guard soldiers assisted by U.S. Army Reserve and active-component soldiers—provided security to the events. They insured that the athletes got to the right place. They insured that officials got to the right place. They earned the accolades of a grateful world.

Task Force Vanguard consisted of active- and reserve-component soldiers sent to fight forest fires in the Northwest United States. It's a tough mission, but they are good at it, and their civilian counterparts admired them for their organization ability, their discipline, and the physical ability and endurance they brought to the task.

Last year, we carried out Operation Desert Strike. Smart weapons from airplanes and ships could not deter Saddam Hussein, so—in the short span of 96 hours—the U.S. Army deployed over 3,500 soldiers—a brigade from the 1st Cavalry Division, two Patriot missile batteries, and other soldiers—to Kuwait. Saddam Hussein got the message, and the world found out what it meant when we talk about "power projection". Yes, we clearly showed last year that we are a full-spectrum force—a force of decision—a force based on capabilities. We're building and maintain the right

force for the times, and we'll keep it honed to a razor's edge. We can't help feeling at least a tinge of regret that the colors of so many proud Army units had to be furled and cased. Fortunately, size by itself is not the most important thing, and America can still take pride in having the world's best army. What they lack in quantity, the more than make up in quality. Know this, they accept the sacrifices that make them better able to fulfill the motto on the Army seal: "This We'll Defend.".

The building of a force better able to defend American freedom is an Army birthday present all of us deserve and should be delighted to receive. This we'll defend—this land, this Nation, this flag that must never be furled and cased.

In closing, let us all reflect for a moment that June 14, 1997, is Flag Day as well as the Army's birthday. Like our Army, the American flag grew out of revolution. And like our Army, the design of our flag—Old Glory—has evolved over the years since 1777. The liberty is stands for, however, remains constant. So does the Army's vigil to protect that liberty, because, in the words of General Eisenhower, "A soldier's pack is not so heavy a burden as a prisoner's chains."

Since 1775, more than 42 million Americans, in times of crisis as well as times of peace, have raised their right hands to take an oath, making America's Army what it is: the premier fighting force in the world and a values-based institution closely bound to the Nation and the Nation's people. They have taken that oath not to a king, and not to a flag alone, but to the ideals our flag represents.

Yesterday the Army was ready, from Lexington and Concord to Gettysburg, and from Normandy to Bosnia. Today they are ready to fight and win the Nation's wars, and to keep the peace or provide humanitarian relief around the globe. Tomorrow, too, they will be ready. Wherever the time, wherever the mission, whatever the challenge, American can count on its Army.

A TRIBUTE TO HELEN WHISTLER

HON. BRAD SHERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. SHERMAN Mr. Speaker, I rise today to honor excellence in service to the Girl Scouts of America and recognize Helen Whistler as the San Fernando Valley Girl Scout Council Woman of the Year.

Girl Scouting is very important throughout our community and our Nation. The Girl Scout's basic promise "To serve God and my country, To help people at all times" is no simple task. But each day women like Helen Whistler go out into the community and spread the Girl Scout promise.

The San Fernando Valley Girl Scout Council Woman of the Year Award is given to honor outstanding efforts in providing Girl Scouting throughout the San Fernando Valley. Their mission "to serve girls in a diverse environment by inspiring them to reach their full potential" can only be realized if someone makes an effort to attract and organize these young women.

Fortunately, there are women like Helen Whistler who excel in promoting the Girl Scout mission. Helen has worked tirelessly to bring Girl Scouting to every girl of our community. She has gathered and analyzed enormous amounts of data that have enabled the council to develop plans which would better serve our women of tomorrow. Helen's research is pivotal to the success of the San Fernando Valley Girl Scout Council.

In addition to providing an extraordinary amount of time to this research, Helen serves as the 3d vice president and secretary of the Board of Directors and on the Executive Committee. Her dedication to the Girl Scout community is greatly appreciated.

I join Helen's family, friends, the San Fernando Girl Scout Council and the women in our community in honoring Helen Whistler as Woman of the Year.

EMPLOYMENT NON-DISCRIMINATION ACT

HON. RICHARD A. GEPHARDT

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. GEPHARDT. Mr. Speaker, today, I am proud to be among 150 of my colleagues in the House of Representatives who have joined to introduce the Employment Non-Discrimination Act [ENDA] of 1997. This legislation will extend to gay and lesbian Americans the same employment protections guaranteed to all other Americans without creating special rights or quotas.

It is intolerable that in 39 States hard working women and men can be fired or turned down for a job just because of their sexual orientation. No woman should have to worry about receiving a pink slip because she is gay. No man should be denied a position or a promotion simply because he is gay.

America is blessed with a diverse people and America works best when everyone is allowed to contribute to his or her fullest potential. As a nation, we take pride in our sense of fairness, and in fairness to all Americans it is time to put an end to all forms of employment discrimination. The time has come for the Congress of the United States to provide assurance to every American that his or her opportunity to get a job and to keep a job will be based on their abilities, not on their sexual orientation. Almost 70 percent of American voters believe that is the right thing to do and Congress should act accordingly.

Last year, ENDA supporters were heartened by the near passage of the bill in the Senate. That the Senate vote on ENDA was 49–50, coupled with the fact that today there are 150 original ENDA cosponsors in the House—compared to 139 cosponsors in the last Congress—is proof that progress is indeed being made.

Increasing support for and ultimately enacting ENDA will build upon our Nation's legacy of ensuring fairness in the workplace. We have outlawed employment discrimination based on race, gender, age, religion, or disability. Let us now take the next important step. I urge my colleagues to lend their support to this legislation so we can make it law in the 105th Congress.

CONGRATULATIONS TO THE SOUTHERN EYE BANK

HON. JOHN COOKSEY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, June 10, 1997

Mr. COOKSEY. Mr. Speaker, I rise today in recognition of the 50th anniversary of the Southern Eye Bank of New Orleans, LA, and to congratulate this eye-bank on its continued commitment to excellence.

The Southern Eye Bank was incorporated on June 7, 1947 and opened its doors on July 30, 1947. It was founded under the auspices of the Eye Bank For Sight Restoration in New York City, which was the first eye bank in the United States being founded in 1944 by Dr. Townley Paton. Subsequently other eye banks were located in Boston and Chicago. The Southern Eye Bank was the first in the South.

The initial executive committee included Mr. Charles E. Fenner, as chairman of the board of trustees; Mr. John Reilly, as treasurer; Mr. John Sims, as secretary; Drs. George M. Haik and William B. Clark, as chairmen of the Medical Advisory Committee, and Mrs. Orville Ewing, as the volunteer executive director.

In the ensuing middle years Mr. Robert Simpson served as chairman of the board of trustees. He and Dr. Clark are credited with being the driving force that guided the Southern Eye Bank during its formative period.

This first office was located in the Hutchinson Memorial Building of the Tulane Medical School at 1430 Tulane Avenue. Eventually, in 1948 it moved to the Eye, Ear, Nose and Throat Hospital. The Southern Eye Bank functioned with the cooperation of LSU School of Medicine; the Tulane Medical Center, and various local hospitals—Charity, Hotel, Dieu, Flint Goodrich, Baptist and Lakeshore.

The original purposes of Southern Eye Bank were twofold: to secure corneas for transplant, and to establish a laboratory in which young eye surgeons could be trained to perform corneal grafts. Within the first four months of its opening, the Southern Eye Bank had a list of 3,000 donors. The public was instructed on how to become a donor as follows: Sign the donor card and return it to the Eye Bank Office; the signature must be witnessed, but need not be notarized; the family of the donor must be notified of these intentions; the gift should not be part of a will, since the eye must be used immediately before a will can be probated.

The first corneal transplant, performed under its auspices, was at the Eye, Ear, Nose and Throat Hospital. The patient was a 69-year-old female who had been blind for 7 years. The procedure was deemed a success, that is permanent vision was restored.

Today, the Southern Eye Bank provides approximately 800 corneas for transplantation a year.

Today, over 95 percent of corneal transplants are successful. This success rate reflects significant advances in the way donor corneas are processed.

In 1947 the eye had to be removed within 3 hours of time of death; the transplant had to be performed within 24 hours of recovery; only 50 percent of surgeries were deemed successful.

In 1997 the eye can be removed within 8 hours of the time of death; the transplant can be performed up to 14 days after recovery; about 95 percent of surgeries are successful.

One of the reasons for the increased rate of success was the ability to store corneal tissue in a liquid media so that it could be later used under optimal conditions. In the early days of corneal transplantation (i.e., in 1947), the patient had to wait (sometimes for a long time), for a telephone call to come to the hospital when tissue had become available. Then the transplantation was done as an emergency at a time when conditions in the operating room might not be optimal. A major breakthrough was the development of the M–K media by Drs. Bernard E. McCarey, Ph.D. and Herbert E. Kaufman, MD in 1974. Thereafter, corneal tissue could be stored for up to 3 days and still be viable. This meant that surgery could be done under ideal conditions. Beyond that, it was now possible for individual eye banks to be clearinghouses for distributing tissue to other eye banks throughout the country. This was a major breakthrough. Newer storage media have been developed, but the introduction of the M–K media made it possible for the concept of eye banking to attain the next level.

THE NEED FOR EYE BANKS

Over forty thousand Americans, and hundreds of thousands of others around the world suffer from corneal blindness each year. This visual loss which compromises their quality of life may result from cogenital corneal disease, infection, trauma, chemical burns, or corneal swelling.

Fortunately, through the medical miracle of corneal transplantation, sight restoration is possible. Since there is no substitute for human tissue, the transplant process depends on the priceless gift of corneal donation from one human to the next. The mission of Southern Eye Bank is to safely transfer corneas from the donor to the recipient.

Transplants bring light into the eyes of an infant only a few days old, and the great-grandfather in his eighties, and all those in between.

Donor ocular tissue is used for corneal transplant surgery and reconstructive ophthalmic surgery, and for research to find cures to diseases which cause blindness or visual deterioration. The Southern Eye Bank first meets the needs of those in the local community waiting for a corneal donor, and then provides other eye banks across the country with donor corneas for transplantation.

Today, the Southern Eye Bank provides safe, quality corneas for transplantation, research, and education. This New Orleans medical landmark has been saving vision for the last 50 years, and will continue to do so.