SENATE—*Wednesday, June 11, 1997*

The Senate met at 12 noon and was called to order by the President pro tempore [Mr. THURMOND].

PRAYER

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

Almighty God, we begin this session of the Senate with affirmations of great truths:

You are the Creator, Sustainer and Redeemer of all.

You are the Sovereign of this Nation.

We are accountable to You for our leadership.

You have called us to serve You.

We are here by Your divine appointment.

The margin of human error is ever-present.

We can limit Your best for our Nation.

Without Your help we can hit wide of the mark.

With Your guidance, we cannot fail.

There are solutions to our most complex problems.

There is no limit to what You will do if we trust You.

So this is a day for hope, optimism, and courage. Set us free of any negative thinking or attitudes. If You could give birth to this Nation, bless us in adversities through the years, and give us victory in just wars, surely You are able to help us now if we will trust You. Fill this Chamber with Your presence and each Senator with Your power. In the name of our Lord and Saviour. Amen.

RECOGNITION OF THE ACTING MAJORITY LEADER

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

ORDERS FOR TODAY

Mr. GREGG. Mr. President, on behalf of the leader I ask unanimous consent that the routine requests through the morning hour be granted and the Senate be in a period of morning business until the hour of 2 p.m., with Senators permitted to speak up to 5 minutes with the following exceptions: Senator GREGG, 10 minutes; Senator GRAMS, 10 minutes; Senator THOMAS, 30 minutes; Senator LOTT or his designee, 10 minutes; Senator DASCHLE or his designee, 60 minutes.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

SCHEDULE

Mr. GREGG. Madam President, for the information of all Members and on behalf of the leader, today, from 12 p.m. to 2 p.m., the Senate will be in a period of morning business. It is the leader's hope that the Senate will be able to consider S. 419, the Birth Defects Prevention Act. Again, this bill is noncontroversial and the Senate should be able to complete action on this important matter in no more than 30 minutes.

In addition, it is the leader's hope that we will be able to consider some of the available executive nominations on today's Executive Calendar. The leader also hopes the Senate will be allowed to consider these items as we are fast approaching the July recess.

In addition, the leader wishes to put all Senators on notice that there is much work to do between now and the start of the adjournment, and that Senators should be prepared to be present and working during the next couple of weeks. And the leader further thanks his colleagues for their attention.

MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to morning business.

Mr. GREGG. Unless the Democratic leader wishes to go forward, I will proceed with my morning business.

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

NASHUA, NH, THE BEST PLACE IN AMERICA TO LIVE

Mr. GREGG. Madam President, today the State of New Hampshire and a number of communities in the State of New Hampshire were afforded a singular and appropriate honor. The city of Nashua, my hometown, where I was born, raised, and went to school, was rated the best place in America in which to live. The city of Manchester and the city of Portsmouth were rated the sixth and fifth best places in the country in which to live. That means the State of New Hampshire, which is a small State—and to paraphrase Daniel Webster, a small State but there are those of us who love it—received the designation of having three of its major communities within the State identified as the best places to live of the top 10 in the country. In fact, only one other State, Florida, was able to put three communities in the top 10. And, of course, Florida is about 6 or 7 times the size of New Hampshire in population.

In addition, no other State was able to put two of its communities in the top five, and New Hampshire has the first community and the fifth community in Nashua and Portsmouth. Those of us who live in New Hampshire and have enjoyed the fruits of being part of that wonderful community, understand that this is not an award which is received as a result of luck, but it is an award which is received as a result of a lot of hard work and, more important, a lot of community spirit. We are a State where people still care about their neighbors. We are a State where we care about how we deal with each other. And, as a result, we have built communities where crime is low, where education is extremely strong, where our health care is rated the best in the country, where our mental health care is rated the best in the country, where we are rated best in the country for caring for troubled children, and where we still maintain a State which has no sales or income tax and delivers effective and efficient and first-class community services to our citizens.

And our citizens get involved. It is a State of voluntarism, a State where people understand if they are going to make their community work well they have to take the time to be involved in the local community activities whether it is the local Babe Ruth League or baseball team, or whether it happens to be the arts community or whether it is just the process of cleaning up the main street on cleanup day.

So I rise to congratulate my fellow citizens of New Hampshire, to especially congratulate the cities of Manchester, Portsmouth, and Nashua, and with a unique emphasis on Nashua in that it was rated No. 1 and that it is my hometown, where I was born and raised and went to school, and I am very proud that they have done so well. I congratulate all of those who make New Hampshire such a fine place to live.

PAYING OUR UNITED NATIONS ARREARS

Mr. GREGG. Madam President, I wanted to talk a little bit about the agreement which we are about to reach, it appears, relative to the United Nations and how we are going to pay our arrears. I chair the Committee on Commerce, State, and Justice, which has jurisdiction over the appropriations that go to the United Nations. At the behest of the majority

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

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leader, Senator LOTT, and at the request of the Secretary of State, Madeleine Albright, myself and Senator HELMS and Senator GRAMS and our staffs have been meeting assiduously with Ambassador Richardson's staff, and the staff of Secretary Albright. We have made considerable progress. In fact, we believe we have reached an agreement as to how to handle these arrearages.

The basic theme of this agreement is that we are going to ask the United Nations to be a better place. We are not going to ask them to do things which are unreasonable. We are not going to ask them to do things which are political. We are just going to ask them to do a better job of handling our money. And to assure that, we are going to set certain benchmarks.

So, we are going to commit to the United Nations; we are basically going to give them what amounts to, in my opinion, an irrevocable letter of credit that we will pay the arrearages as we see them. The number that we agreed on I believe is significant, and I believe it will be agreeable to the people at the United Nations But, in exchange for paying those arrearages—and we are going to do it over a period of time—we are going to ask that the United Nations run a better shop, that it be more efficient, that it use those dollars more efficiently and that it make sure that it handles those dollars the way American taxpayers expect us to handle the dollars that they pay us. Because for every dollar spent at the United Nations today, 25 cents comes from the American taxpayer.

It is very hard today to go back to the people in New Hampshire, my good people who have just been rated so highly as the great place to live by Money magazine—it is very hard to go back to them and say, "Well, we are going to give the United Nations this amount of money for our dues but we are not sure where the money is spent, how it is spent, who it is spent on, or whether, when it is spent, it goes to where they say it is going to go."

To try to correct that, we are asking that the United Nations meet certain very definable, enforceable benchmarks. The Senator from Minnesota, who I notice is on the floor, Senator GRAMS, has been a major player in defining those benchmarks, and of course the Senator from North Carolina, Senator HELMS, chairman of the Foreign Relations Committee, has been a force of immense proportions on defining those benchmarks.

But agreement appears to have been reached, at least between ourselves and the administration. It is an agreement which is fair and which gives the United Nations the dollars which they feel they deserve. But, in exchange for those dollars, it does require that the United Nations be responsible with the management of those dollars and the management of additional dollars that we will be giving them in the foreseeable future. This agreement, I believe, will be included in the foreign relations bill, the authorization bill for foreign affairs, foreign relations, which is going to be coming through—the State Department authorization. It will be marked up later this week.

I just want to express my appreciation for all the people who worked so hard on this. We worked on it for about, I guess, now, almost 4 months. Fairly aggressive negotiations have occurred. I think it is good we have reached an agreement and it is positive for the process and it will immensely improve the operation of the United Nations, should the United Nations decide to go along with proposals that we have made. I presume they will because they are reasonable proposals.

Madam President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. Madam President, let me claim as much time as I may consume of the leader's time and ask unanimous consent I may be followed by the Senator from Minnesota, Senator WELLSTONE.

Mr. WELLSTONE. If this would help in the deliberations, we have talked to Senator GRAMS and I plan on restricting my remarks to 5 minutes.

The PRESIDING OFFICER. Is the Senator from North Dakota seeking the time that has been designated in the agreement to the minority leader?

Mr. DORGAN. Yes, that is what I requested, Madam President.

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

Mr. DORGAN. Madam President, I will not consume but a fraction of the 1 hour, and the Senator from Minnesota, Senator WELLSTONE, will consume a very short amount of time. I believe Senator GRAMS will then be recognized. We had a visit about that and I appreciate the courtesy of both of my colleagues.

A VIGIL ON THE DISASTER RELIEF BILL

Mr. DORGAN. Madam President, last evening a number of us were here, a good many Senators, as a matter of fact, were here almost all night holding a vigil on the issue of the disaster relief bill that seems ensnarled in, regrettably, politics as usual. We have done the only thing we can do, and that is to apply as much consistent pressure as is possible to the Congress to say, "Do the right thing." And the right thing is to pass disaster relief for victims who have suffered natural disasters, especially the flood victims in the region of Minnesota, North Dakota, and South Dakota, and get them that aid as soon as is possible.

I am not here to point fingers or to say that there is this side or that side. For me there is only one side and that is being on the side of victims of a natural disaster. I know there are a lot of things floating around here, back and forth, with extraneous amendments and so on. I am not interested in politics. I am only interested in progress, speaking on behalf of some people who were dealt a very serious blow, one they did not deserve but one that they now have to try to recover from, and one they will recover from when we reach out our hand of help to say, "You are not alone. The rest of the country wants to offer you some help."

During this vigil we held last night—my time was from midnight to 3 in the morning—I found myself at 2 in the morning talking on a nationwide radio talk show with "The Trucking Bozo," I guess his show is called. I guess I didn't think, when I came to the Senate, that I would be, at 2 a.m., talking to the "Trucking Bozo" on a national radio program. But to the extent I had an opportunity to talk to truckers across this country who were hauling America's goods back and forth, I am glad I did. I hope they got the message as well, that most of us want what is right for this country, and what is right at this moment is for Congress to stop all the extraneous things that are going on and pass disaster relief.

In the middle of all of these discussions, however, with the "Trucking Bozo" and a call-in radio station in New York and Denver and Boston and elsewhere across the country, we visited with many victims of the disaster. One of them last evening, among many who shed tears talking about their plight, was a man named Mark. Mark called from Grand Forks, ND. He has been out of his home now, I guess, for 5 or nearly 6 weeks. He has not seen his children, he said, for close to a month. They are with the grandparents. And his wife, he said, is in the hospital, dying of cancer, with a month or month and a half left to live.

He, at 1 in the morning, was calling me to say, "Somehow it's unfair for us to be held hostage here. For me, for my family, for our community, we desperately need to get the help that is in this bill to put our lives back together."

For this person to come, with all of the burdens in his life, to call in and urge, once again, the responsible thing be done, it really almost breaks your heart to know that all of these families, many of whom are now separated, some of whom last night said they are living in tents in their front yard because their home was destroyed and is uninhabitable, others living in camper trailers, others living in shelters, others living in neighboring towns with families split, having lived like that for weeks and now wondering, what about tomorrow? What about my home that was destroyed? What about my

job, it's not there. What about my future and asking us, "Can't you please do something?"

I will not today and will not in the future say that one side is wrong and the other side is right. We are better and they are not. That is not what this is about. It is about Congress doing what it historically always has done on a disaster bill. The Congress is a unique institution. In a democracy, it is a wonderful institution, and I feel privileged every day to wake up and come and serve this country in the U.S. Senate. But we have rules, very few of which in the Senate prevent us from adding things to other bills. On almost any occasion, any day, any way, someone brings a bill to the floor of the Senate and someone adds an amendment that is totally extraneous—and they do it on all sides of the political aisle, and I understand that—but, generally speaking, on disaster bills, that has not been the case. Why? Because disaster relief bills are different. They represent an emergency response to people in need.

This got caught up in some of those issues, and I say let's decide today to stop that. Let's take all of these extraneous issues off, pass this bill, get the President to sign it and get help to the people who desperately need it. I know, because I come from North Dakota and because that was perhaps the hardest hit area—North Dakota, Minnesota, South Dakota—in these disasters, that I have a very parochial interest in this. But I am telling you, if every Member of the Senate could visit with our constituents in our region and walk away not having a broken heart from what those people face and not have a feeling of enormous responsibility to help them in any way possible on an urgent basis, to help them right now to put their lives together, there isn't one Member of this body who can resist this.

The Senators from Minnesota, Senator GRAMS and Senator WELLSTONE, the Senators from South Dakota, Senator DASCHLE and Senator JOHNSON, and the Senators from North Dakota, Senator CONRAD and myself, all of us worked very hard to put the disaster package together. We had great cooperation from all sides of the political aisle in the Senate.

I want to close with this point. While I am enormously gratified by the cooperation we have had and feel gratified with the work we did together, when those who now talk about scaling down this bill also talk about maybe diminishing the amount of disaster aid we have already agreed to and fought so hard to get, I say to them, that is not a way to solve that problem this afternoon or tomorrow, by scaling back the disaster aid those folks are waiting for. Let's instead scale back the extraneous provisions, scale back and eliminate the unrelated amendments, get rid of them and get on with the business of this Congress to pass a disaster bill, have the President sign it and say to Mark, whose wife is in the hospital and whose children are living with grandparents, that we care about you, we want to help you and we want to help you and thousands and thousands of others like you who this morning didn't wake up in their homes because they are destroyed; we want to help you make your lives whole again.

That is part of the culture of this country. It is the best instincts of America to reach out and say, "You're not alone, the rest of the American people are with you and want to help you in this time of crisis."

Let's try to do that today. This Congress can pass this bill today, and I intend to make a unanimous-consent request again to do that, as I did yesterday and the day before. I shall not do that at this moment. If we do it today, the President could sign it tonight and the aid would begin flowing tomorrow, and we would have helped many Americans get back on their feet.

Madam President, I yield the floor.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota is recognized.

Mr. WELLSTONE. I thank the Chair. Madam President, I shall be brief today. Let me just build on the comments of my colleague from North Dakota.

It is my fervent hope, and it is not an exaggeration to say prayer, that when I go home this weekend, back to Minnesota, I will be able to say to people, "Congress has acted, and we have passed a disaster relief bill that will provide you with help so that you can begin the process of rebuilding your lives." That is what people are asking for. No more than that. All of us, if we had been flooded out or if we had been faced with some kind of disaster like this, would also be hoping to get the same kind of help.

Madam President, I, too, last night had a chance to talk to people around the country on radio and television and whatnot. I think that the goal of yesterday and today, because the Senate is not going to really be back conducting business as usual until we get this disaster relief bill passed—that is our commitment, that is how we fight for people in our States—but I think really the goal is to just press and press and press and keep fighting for people, but more with the focus on what we can do as opposed to finger pointing and getting personal.

I have talked to enough Republican colleagues on the majority side who, I believe, even if we don't agree on every issue, want to come together, and I hope it will happen. I think it should happen this week.

I think that this particular form of gridlock is not working well for this Congress, and I don't think people around the country understand how it can be that on a bill which is to provide emergency assistance to people, you get all sorts of other measures dealing with how the Census Bureau does its work or dealing with debates about appropriations bills and the budget and all the rest. I think most people believe that when it comes to disaster relief, you should try and get it to people and keep off the extraneous measures that are so controversial.

There are a lot of good people here on both sides of the aisle. I was asked last night many, many times, especially from Minnesota, "Do you think there is going to be some agreement?" And I said, "I cannot believe there won't be."

I just think it is going to happen. It has to happen.

The only appeal I would make to my colleagues on the other side of the aisle is that if, in fact, we are going to be talking about scaling back the disaster relief, I worry about it because we had a very clear definition of what it would take by way of emergency assistance—and I use those words carefully—to help people get back on their own two feet. This was really a good bipartisan effort. That is what we had. I really hope that my colleagues will understand that we are speaking and we are fighting and we are using our leverage as Senators in order to get the help to people back in our States. We are going to continue to do that until we, in fact, are able to get the job done.

So my appeal to my colleagues is: Let's have an agreement; take the extraneous provisions off this bill. We can debate them separately. We can have an up-or-down vote, or if there is some alternative proposal that people have, great. Let's just try and get the help to people, and let's not delay it any further.

I was asked by somebody back in Minnesota whether I really liked last night. I was on the first shift. I said, "Actually, not so much so. I would rather be doing it on the floor of the Senate. I would rather be in a markup in committee. But I, as a Senator, will do everything I can to fight hard for people in Minnesota."

I think from talking to colleagues in the majority party, we are going to reach agreement. I believe that, I say to my colleague from Minnesota, Senator GRAMS. There has to be an agreement. That is what we have. We have to make that happen so all of us can go back to our States and say to people, "We wish this had not been delayed and delayed and delayed, but now, finally, a good bill is passed and we are going to get the help to you." That is the goal, that should be the result, and I hope that that happens this week. That is my appeal to my colleagues.

I yield the floor.

Mr. THOMAS addressed the Chair.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

DISASTER RELIEF AND PREVENTING A GOVERNMENT SHUTDOWN

Mr. THOMAS. Madam President, we have asked to set aside a little time this morning to talk about the issue the Senator from Minnesota talks about. Each of us wants to find a way to get help to people who need it as a result of the disaster. I think there are a number of issues involved. I believe as we move toward a solution, it is useful to talk about those things.

Certainly, there are legitimate concerns on both sides of this bill. I am satisfied that our leadership is now putting together something that will be presented, hopefully that will be acceptable.

I think it is well to recognize that we want to get this disaster aid out, but there are certain things that are very important, as in any discussion, to both sides. One of them is to get something in that avoids the human disaster that might well happen in the future if we had another shutdown of the Government. So this can be one of those things.

There also has to be an understanding, of course, on an issue of where there are different points of view that both sides have to be willing to make some accommodation. The idea that somehow you can't do anything unless the President approves is not the system we have here. We have a divided Government. We have the President with authority to do what he does and the Congress with the authority to do what they do. When they come to a conflict, there has to be some movement and not simply a pronouncement that the President doesn't like that and, therefore, it won't happen. That is not the way it works.

So, Madam President, we would like to talk a little bit about that. I am joined by my colleagues. I yield first to the Senator from Minnesota.

Mr. GRAMS. I thank my colleague from Wyoming.

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

Mr. GRAMS. Mr. President, I was very disappointed by President Clinton's veto of the emergency aid bill, which provided some $5.5 billion in disaster relief nationwide, with a major portion of those dollars dedicated to helping to rebuild the flood-ravaged communities of my home State of Minnesota and also in the Dakotas.

Having been with the President in seeing firsthand the damage and the despair that was caused by the flooding, I cannot believe that he was willing to reject our legislation to help support the people of Minnesota and the Dakotas as they rebuild their homes, communities, and their lives in the wake of the flood.

Our legislation sent a very clear message that the people of Minnesota have not been forgotten by Congress during this critical time, but the President's veto suggests, however, that some in Washington need to have their memories refreshed.

I am particularly disturbed by the fact that the President used as his primary excuse for vetoing the emergency flood relief bill our inclusion of a measure to protect flood victims in Minnesota and Americans everywhere from a potential Government shutdown later this year.

For reasons I have repeated on this floor many times, I believe that delivering emergency aid to flood victims and keeping the Government open for business during the rebuilding process must be our twin goals at this time.

Just as the emergency flood relief serves as an assurance to Minnesotans that their urgent needs will be met, our efforts to keep the Government from shutting down will also give them a guarantee that any budget squabbles that happen to pop up here in Washington will not affect our long-term efforts to help rebuild our State. And that is an assurance we can't afford to go without.

By vetoing our flood relief bill, the President indicated that having a leg up in this year's budget debate is higher on his priority list than delivering flood assistance to those who need it. That was wrong, but, as we know, it cannot be changed. The people of Minnesota and the Dakotas already know how well Washington politicians can talk, and they don't want any more talk; they want some action.

Stopping our work in the Senate and blocking us from taking action on anything accomplishes nothing. Positive, constructive action is what the Senate should be working on to deliver. Therefore, I urge my colleagues to join me in working to ensure that flood relief gets out of Washington and that it gets into the hands of the people of Minnesota and the Dakotas as quickly as possible.

Immediately after the veto was announced, I wrote letters to Senate Majority Leader TRENT LOTT and also Minority Leader TOM DASCHLE. In that letter, I proposed a compromise I believe will help speed up the enactment of the disaster relief legislation, while at the same time allowing Congress a separate vote, without any unnecessary delays, on the Government Shutdown Prevention Act. In my letters to Senators LOTT and DASCHLE, I proposed that they consider removing the Government shutdown provision from the emergency aid legislation with a specific time agreement for debating and voting on the two issues in separate pieces of legislation.

That would allow the Senate to debate and pass both the emergency flood relief bill and the Government Shutdown Prevention Act on their individual merits, away from the political haggling that has delayed action on these important bills.

I was encouraged yesterday to learn of the support for my proposal by Vice President AL GORE and Senate Minority Leader DASCHLE. Their announcement of support clearly shows that there is room for negotiations to reconcile our differences and to deliver the flood assistance to Minnesota and the Dakotas.

I have also been in negotiations with the majority leader, who expressed his intention to consider a number of different alternatives, including mine, on how best to move ahead and deliver flood relief.

I am going to continue to work closely with both Senators LOTT and DASCHLE, as well as my other colleagues in the Senate, to expedite this process. From the events of the last 2 days, I am optimistic that the two sides are closer to a reasonable settlement than anyone in the media may be suggesting.

Now we must take action to bridge the gap and ensure the delivery of emergency disaster relief and the continued protection of the American people from a Government shutdown.

At the very least, my proposal has opened the negotiation process to move ahead on these important issues post-veto. Again, while I am disappointed that the President chose to veto emergency flood relief, I hope that he will not shut the present window of opportunity to try to work together to find some common ground.

Certainly, my constituents in Minnesota, who have already suffered so much at the hands of the flood, cannot afford inaction.

As flood victims in Minnesota begin rebuilding their homes, their neighborhoods, their businesses, and their lives in the wake of the flood, they need our assurance that the Federal Government will deliver the aid that it promised.

Flood victims also need to know that the Government will be there throughout the year to meet their urgent needs as their rebuilding progresses.

Our efforts to keep the Government open for business will also help give Minnesotans a guarantee that budget squabbles in Washington will not affect the long-term efforts to rebuild our communities.

Now, I know we may have reached a budget agreement in overall numbers and terms, but a lot of the debate will continue. And there is still the possibility of an agreement not being reached on every part of that budget this fall which could lead to a possible Government shutdown. It has happened before; it could happen again.

In light of that, we want to provide assurances to these victims of the flood this spring in Minnesota and the Dakotas that they would not come up short this fall, they would not face a stop in the work that they are trying to do in rebuilding their lives.

Under my compromise proposal, checks would continue to go out and contracts would be honored this year—in spite of what happens in Washington. And that is an assurance we cannot afford to go without.

In announcing the President's veto, the White House spokesman said that "Americans in need should not have to endure further delay." I could not agree more with that statement.

The people of Minnesota and the Dakotas cannot afford for Washington's budget politics to stand in the way of the rebuilding that has already begun. Now that we have a starting point, let us move ahead and pass the emergency disaster relief we promised. And let us do it as quickly as we can.

Thank you very much, Mr. President.

I yield back my time.

The PRESIDING OFFICER. Who seeks time?

Mr. CONRAD addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. CONRAD. Mr. President, first of all, I feel I need to respond to the statement about the President's action. The President did not include unrelated items in a disaster bill. It is not his fault that we are in this circumstance. It is the fault of those who decided to put unrelated items into a disaster relief bill.

THE DELAY IN DISASTER ASSISTANCE

Mr. CONRAD. Mr. President, I represent the State of North Dakota. And our State has been absolutely devastated. We have people, thousands of people, who are still sleeping on cots 54 days after the disaster occurred. Fifty-four days after the dikes broke, we still have thousands of people on cots, people living in cars, people whose homes and businesses have been devastated. And they cannot understand why Congress fails to act.

Mr. President, last night we had a linkup via computer with people who are the leaders of the Grand Forks community—the mayors of Grand Forks and East Grand Forks, the leaders of the business community, the head of the chamber of commerce, leaders of other parts of the Grand Forks community, people from the medical school. And their message was clear and unencumbered. They have asked Congress to send a clean disaster relief bill to the President without unrelated measures, and to do it now. That is their request.

The message was powerful and compelling. People who have had everything lost, people who evacuated their homes at 1 o'clock in the morning and who have not returned since, a city of 50,000, 95 percent of whom were evacuated, with 80 percent of the homes in that community devastated. That is the reality that we are living with.

Mr. President, this chart says it, and says it clearly: Disaster Victims Held Hostage, Day 20. This is just since this Congress took the Memorial Day break without acting. Twenty days of inaction after a bill to provide disaster relief was completely agreed to.

The disaster provisions were agreed to by Democrats, by Republicans, and by the President. It is these unrelated measures that were stuck into this disaster relief bill that have hung things up. The people that I represent say, "Take them out. Quit playing politics with the lives of people. Quit holding hostage thousands of people to a political agenda. Get the disaster relief where it's needed, and get it there now."

Mr. President, this is a sign that a resident of Grand Forks put out on their lawn after Congress decided to take a break without passing disaster relief. It says, "Hey, Congress! Spend your break here!" And here is some of the refuse from the disaster in their front yard. You can see the garbage bags piled up as people try to rebuild their lives.

I have a series of photos here that try to bring this back to what this is really about. It is not about how we take the census in the year 2000. It is not about some budget dispute. This is about people who have been devastated and need help.

This is a picture from Grand Forks. This is the downtown area that not only had a 500-year flood, but had a fire that devastated three entire city blocks. Here is some of the refuse that remains from that disaster.

Go to another picture that shows what is happening in terms of Grand Forks, ND. Here is a downtown area, one of the buildings that burned up in the fire, all the rubble that is there. It is staggering. You go through the city of Grand Forks, it looks like a giant junkyard.

Here is what you see as you go up and down every street in residential Grand Forks—every street, because 80 percent of the homes were damaged in this town. This is what you see on every boulevard. All of the contents of these homes, the washers, the dryers, the carpeting, the furniture is not in the home, it is out here on the street because it has all been destroyed. And these people are asking for one thing, a chance to get their lives back in order.

They have had the worst winter in our history followed by the most powerful winter storm in 50 years that destroyed the electrical grid that served 80,000 people. They were without power for nearly 10 days, in the midst of 40-degree below weather, and then they get hit by the 500-year flood, and then by the worst fire in our State's history. Now they are hit by a disaster of a Congress that fails to act.

Never before in the face of a disaster have we diddled for as long as we have diddled on this disaster. People are asking for help. And this is the condition of their lives.

This is a picture of the business district. It is not just the homes, but it is the businesses that have been destroyed.

I ask my colleagues, if you were in this circumstance wouldn't you expect this body to act, wouldn't you expect a response, wouldn't you expect some help?

This is another picture of what people are going through each and every day now in Grand Forks and East Grand Forks—piles of garbage. This water is not just rainwater, this is water that is putrid. You fly over it, and it stinks because it is filled with every imaginable awful thing. And every home and every business is just destroyed. All of the things that are in there have to go.

This is again a picture of what is outside one of the commercial buildings, and a tremendous amount of destruction. We are going to take years to rebuild. We do not have much time.

We have a short construction season in our part of the country. By October 15 outdoor work will have to be completed. So we do not have time for political games to be played here in Washington.

Let me again repeat the message from the people that I represent. "Please, Congress, pass a disaster relief bill without these unrelated measures so the aid can start to flow."

Some have said, "Well, nothing is being held up. There's money in the pipeline." Last night we heard from the people of Grand Forks. And what they said was very clear. There is not money in the pipeline. There is concrete in the pipeline, because the money is not getting through. There is no money for the buyouts and relocation of the homes and businesses that have been destroyed. There is no money in that pipeline. There is no money in the pipeline to help the ranchers who have lost hundreds of thousands of head of livestock. There is no money in that pipeline. There is no money in the pipeline for the school districts that have taken the kids from the disaster areas. There is no money in that pipeline.

The Governor of South Dakota, Republican by the way, said: On a disaster bill you ought to deal with disasters. He said: For those who say nothing is getting hung up, that's just wrong. And not just he said it, a Republican Congressmen from Minnesota, JIM RAMSTAD, said: Those who say there's money in the pipeline are being disingenuous at best. There is no money for housing. There is no money for buyouts and relocations of the homes and businesses that have been destroyed. There is no money for sewage systems. There is no money for roads. There is no money for a whole

series of things that desperately need resources.

This is the Republican Governor of South Dakota. He said, "If you've got a disaster bill, you ought to deal with a disaster." He was complaining about the congressional leaders here for sticking controversial measures in a disaster relief bill. And he has it exactly right. For those who say nothing is being hung up, "* * * Janklow said the delay in the legislation is blocking reconstruction of sewage facilities, highways and a State-owned rail line in South Dakota."

Mr. President, this is how the flood victims feel.

This is from the largest newspaper in our State. The headline is very clear: "You are playing with our lives." Let me just read what this disaster victim said:

Ranee Steffan has strong words for members of Congress who think flood victims can wait while bickering continues in Washington . . .

"You are playing with our lives" . . . [she was speaking] from the sweltering travel trailer she and her family now call home. "This isn't some game. . . . [She said] You should come here and walk in my shoes for a day."

Homeless for a month, out of work and bounced from one temporary shelter to another, the wife and mother of two is fed up with lawmakers who she believes think[s] Grand Forks residents are "getting along just fine."

They are not getting along just fine. We had one of our colleagues say, "Well, we can send you a bunch of trailers."

People in North Dakota do not see trailers as a long-term answer to their housing needs. Frankly, trailers in a North Dakota winter are not a very acceptable form of housing. We need to rebuild housing, housing that can withstand a North Dakota winter. We do not need a bunch of trailers sent to our part of the country. That is not the answer to what we face.

We have heard a lot of talk about what is happening and what is not happening, what people out there are asking for, what they are not asking for. How about hearing from the people out there. How about listening to them.

This is the mayor of Grand Forks in a letter to Senators LOTT and DASCHLE, this courageous mayor who has become, I think, an inspiration to the country because, in the face of adversity, she has provided extraordinary leadership. Let me just make clear she is not a partisan. To my knowledge she is not a member of either political party. I have no idea what her political identification is. She has always said she is an independent, that her husband is a Republican. That is as much as anybody knows about her legal affiliation.

Here is what she says:

I urge you to strip all of the controversial amendments from the disaster aid bill and send the humanitarian emergency provisions of the bill to the President for his signature.

That is what she says. She continues:

We are grateful for the emergency aid provisions included in this bill. These provisions, especially funds for the Community Development Block Grant program, will be essential for Grand Forks to be able to recover and rebuild. North Dakota's short construction season dictates that we must take action quickly to rebuild and relocate homes away from the floodplain.

But the political fight over provisions unrelated to disaster relief have stalled this bill and delayed the recovery process for Grand Forks and other cities in the Red River Valley. This disaster aid is needed now. We are simply unable to make decisions about how and if we will be able to rebuild our city without knowing the extent of Federal resources available. We need funds now for housing, for buy-outs and relocation and homes of businesses, for roads and bridges, for school districts and many more urgent needs. With each passing day thousands of residents of Grand Forks and other communities are unable to get on with their lives and are forced to live in shelters, in government-issued trailers, or with relatives.

Again, thank you for the emergency provisions included in the disaster aid bill. I urge you to strip the controversial, non-disaster related measures from the disaster bill and send the humanitarian emergency provisions to the President for his signature.

This was the elected leader of the city of Grand Forks.

Last night, we heard that identical message from the head of the chamber of commerce, from other leaders of the business community, from people from all walks of life, a member of the police department, a member of the city works department, all of them talking to people across the country via satellite as they told their story, what has happened in their community, and what they are asking for now.

It has been 83 days since the President asked for disaster legislation. It has been 53 days since the dikes broke. It has now been 20 days—20 days—since Congress agreed to a disaster package but left town without enacting it before the Memorial Day recess.

Let me just read part of a letter from one of my constituents: "The people here have no homes, no jobs, and no other homes to go to. They have no toys, no bikes, no clothes, or anything else for their children, and you go home for a break. What are you thinking of?"

That is a sample of the literally hundreds of letters that we have gotten from the disaster area.

This is a letter from another constituent:

Perhaps you should visit here and see and feel the pain and devastation. Spend 3 days here, and you will soon understand why people are depressed and the anxiety level is extreme. We are stressed out.

Also, I am sure that if this disaster had hit your district, you would want to pass the legislation with a sense of urgency. That's all we expect.

What this means to me and my family: Relief from the flood of the century. It brought flood waters into our community, our house and six rental properties I own and manage. Indeed, the amount of damage I have sustained is mind boggling. I'm on the brink.

We urge you to pass the disaster relief bill today. Please don't delay another day. We can't wait.

I have hundreds, if not thousands, of letters like this from people out there who are asking their Government to respond. These people are proud people. They are independent people. They are hard-working people. But they have been hit with a series of disasters unprecedented in our State's history.

The worst winter ever, followed by the most powerful winter storm in 50 years, followed by a 500-year flood, followed by a fire in the midst of flood that destroyed much of the town of Grand Forks, a city of 50,000 people that had 95 percent of that town evacuated. That has never happened in America's history, a town of that size completely evacuated. The town right across the river, East Grand Forks, in Minnesota, a city of 9,000, was entirely evacuated. We are not going to be able to rebuild much of these towns. Many of these homes are just absolutely destroyed. Those homes need to be torn down. They represent a health hazard. The businesses, too, need to be torn down. We need to move back from the river to a more defensible location, but that cannot happen until and unless this Congress acts.

I just conclude by saying when the shoe is on the other foot—and I have been in the Senate 10 years—we were ready to help. We never delayed anybody's disaster bill ever. I never even thought of adding controversial provisions to a disaster bill that someone else needed. I just ask our colleagues to give us the same chance and extend the same respect to our constituents. They desperately need help and they need it now.

I thank the Chair and I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

EXCESS SPENDING IN DISASTER RELIEF

Mr. THOMAS. Mr. President, I claim the time we had to talk about how to get this job done. We have talked for some time about the need. Now the question is, how do we now find a vehicle to get that done? That is what we ought to be spending our time talking about.

Let me yield to my friend, the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. ALLARD. I thank the Senator from Wyoming for yielding.

In my view, we have had a longstanding problem in the Congress with emergency appropriations, supplemental appropriations, or so-called disaster bills. The problem has been—and

truly there has been a disaster such as in North Dakota and Minnesota with the Red River flooding, and that is legitimate. But then built on top of that is a lot of spending that has nothing to do with the emergency nature of this piece of legislation.

I went on ahead and supported this supplemental appropriations bill even though I had some concerns about the amount of spending that was in the bill. In my view, the truly emergency provisions that are in there run in the dollar range from $2.5 to $4 billion. The bill is an $8.6 billion bill.

The only thing that made me go ahead and support this particular piece of legislation is a provision in there that said that we would not shut down the Federal Government. I felt it was an appropriate bill. I did not particularly like all the spending that was in there, but I wanted to get something moving ahead so that we could take care of the needs of the people in North Dakota and Minnesota.

Mr. President, I am disappointed that the President chose to put politics ahead of people. I kept this need to take care of those people in mind, even though I was not entirely happy with the bill. I am disappointed he took such a narrow view. By vetoing the 1997 supplemental appropriations and rescissions bill, he has actually delayed its progress after the Congress has moved ahead. This bill would have provided funding for future disaster relief needs and ensured that we would not face a disaster of another Government shutdown.

Now, the majority was accused by the minority of being "hard headed and cold hearted" for not submitting the bill to the President sooner. I cannot imagine how outraged they must be now that the President has vetoed the bill. I hope that those who promised to tie up the Senate until this bill is passed are now willing to fight just as hard to override this veto, thereby providing funding for disaster relief and ensuring that there will not be another Government shutdown.

Let's be clear, this bill is not about holding up money for the flood victims, as some have suggested. Flood victims are currently receiving disaster relief from FEMA, the Federal Emergency Management Agency. To date, FEMA has already allocated over $150 million to victims of the flood. Almost $40 million in housing assistance checks have been issued to more than 21,000 flood victims. In addition, the Small Business Administration has approved more than $75 million in disaster loans.

In short, the flood victims are being cared for. This bill replenishes funds for FEMA and ensures stability for future disaster funding.

Just as importantly, this bill is about preventing another disaster, the manmade disaster of a Government shutdown. This seems to be nothing more than a political move by the President designed to ensure that he can shut down the Government again, just as he did before when we were trying to balance the budget.

This is the same strategy we have seen from the President before. He impedes, stalls, and ultimately vetoes any compromise we reach, playing political games with public safety, and the productivity of our Federal employees. He then tries to get political mileage out of it by blaming the majority in Congress. When an agreement is finally reached, I have no doubt he will take credit for that, too.

I find it ironic that the President said during his State of the Union Address that the Federal Government should never be shut down again.

Why, then, does he now veto a bill that does exactly that: Ensure that the Government won't be shut down again? The continuing resolution portion of this bill has ensured that Congress and the President will be allowed to continue budget negotiations in good faith without harming the taxpayers or Federal employees and their families.

The President needs to put partisan politics aside and focus on what is good for our country.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

Mr. BAUCUS. Mr. President, might I ask, are we in morning business?

The PRESIDING OFFICER. That is correct.

MFN STATUS FOR CHINA

Mr. BAUCUS. Mr. President, over the Memorial Day recess, I made a weeklong trip to East Asia. This included stops in Seoul, South Korea; Pyongyang, North Korea; Beijing, China; Hong Kong, as well as Misawa Air Force Base in Japan. I spent most of my time on the three issues of most immediate concern to us in northeast Asia this year. First, food and security problems on the Korean Peninsula; second, the negotiations over China's entry into the World Trade Organization; and third, Hong Kong's transition to Chinese sovereignty, now less than 3 weeks away.

I also discussed longer term issues, including environmental protection, human rights, and United States-China security relations. These are complex subjects, with great implications for our national interest in all sorts of areas. With respect to the three immediate issues, I think our basic strategies are well conceived, and we have good people in the military and the Foreign Service working on them. I am in the process of drafting a trip report that will address them in much more detail.

But we in Congress must first take up a different issue; that is, whether to support the President's decision to renew China's MFN status. So I will return to the floor in coming days to discuss the basic security, trade, environmental, and humanitarian issues we face in China and in East Asia generally. But today I will concentrate on MFN status—why it is legally right; why it is morally right, and why, given our compelling interest in issues like security in Korea, more fair and reciprocal trade with China, and a smooth transition for Hong Kong, it is right for our national interest.

LEGALLY RIGHT

First, renewal of MFN status is right under our law. The Jackson-Vanik law, which has governed renewal of MFN status for nonmarket economies since 1974, is the main law in place. It conditions MFN on two things: the existence of a bilateral commercial agreement, and freedom of emigration. Under the law, the President's choice is clear. We have a bilateral trade agreement signed with China in 1980, and China allows free emigration. Therefore, as a legal matter, the President was right to renew MFN and we should back him up.

MORALLY RIGHT

Second, renewing MFN status is morally right. At times, people in Washington are tempted to see a vote to revoke MFN as something which might promote human rights in China. This is a fine sentiment. People who advocate revoking MFN status to promote human rights are very well intentioned. But the effects of revoking MFN would be the opposite of what they intend.

To revoke MFN status, very simply, is to raise tariffs from Uruguay round to Smoot-Hawley levels. To take one example, that means raising tariffs on toys and stuffed animals from zero to 70 percent overnight, again, automatically, from zero to 70 percent tariff overnight. That hits one of China's major exports to the United States, at about 6 billion dollars' worth last year. And who makes them? On the whole, it's young Chinese working people trying to improve their lives.

What would happen if we revoke MFN status? The result should be obvious. Millions of innocent Chinese workers in toy factories and in other walks of life would lose their jobs. The Chinese Government would certainly be hurt, but it would still be there the next day. But the lives of these workers would be ruined. So, far from improving human rights, revoking China's MFN status would cause immense human suffering in China.

Of course, that would discredit our human rights efforts with the Chinese public. No rational person can expect anyone in China to thank us for harming their economy and inflicting misery on them, their families, or their fellow citizens.

By contrast, if human rights is our motivation, MFN is an irreplaceable part of an effective policy. As the Democracy Wall activist Wang Xizhe—until recently, a political prisoner—says:

The goal of exerting effective, long-term influence over China can only be achieved by maintaining the broadest possible contacts with China, on the foundation of MFN, thus causing China to enter further into the global family and to accept globally practiced standards of behavior.

A long-term policy may emotionally be hard to accept. There are real human rights problems in China: About 3,000 political prisoners remain in jail, strict limits on freedom of assembly exist, very severe policies in Tibet. We would like to solve them all in a day, but the fact is, that won't happen. Only by staying the course, staying involved through trade and human exchange, as well as diplomacy, can we hope to make a difference.

RIGHT FOR THE NATIONAL INTEREST

Finally, we are Americans first, and we are responsible to the American public on our policy decisions. And renewing MFN status is right for our own national interest.

Security issues are an example. I can say from firsthand experience that we have a very complex, very dangerous situation at hand in the Korean Peninsula.

North Korea is a politically isolated government, with very severe food and economic problems, and a large and well-armed military machine. We have a commitment to joint defense of South Korea, we Americans and the South Koreans, and we have 37,000 men and women permanently on the line just a few miles south of the DMZ. We owe it to them to pursue a very serious, responsible policy that can keep the peace and ensure a swift victory if, God forbid, there is any conflict. And Chinese cooperation is absolutely essential to that. Deliberately antagonizing the Chinese Government and armed forces by revoking MFN will not help at all.

We are also responsible to our own people to make trade with China more fair, more reciprocal, and more beneficial to our country. We have an opportunity to do that this year by bringing China into the World Trade Organization on a commercially acceptable basis. Cutting off MFN status would put us on the opposite track: it would balance trade at close to zero, cutting off jobs and prosperity here as well as in China.

As we look into the next century, we must work to slow global warming, ocean pollution, and the loss of biodiversity. To take just one statistic, in the next 20 years, world greenhouse emissions will grow from 6 to 9 trillion tons a year. Fully 1 trillion of the additional 3 trillion tons will come from China. That is, one-third of all greenhouse gas emissions in the next 20 years, if nothing is done, will come from China.

We have a chance now to moderate that trend. And a political crisis caused by revoking MFN would make that mutually beneficial effort very difficult.

VIEWS OF OUR FRIENDS AND ALLIES

Our own common sense should tell us that China is a key player on all these issues. Wantonly picking a fight with the world's largest country by revoking MFN status, when only 6 countries in the world lack MFN status and 151 countries actually get tariff rates better than MFN, would be foolish.

And our allies tell us the same thing. During my trip last month, I met top national security officials in the South Korean Government. I spoke with senior officers of the Japanese Self-Defense Forces. And I met with Chinese dissidents and democratic political leaders in Hong Kong.

These are our friends, our strategic allies, people we work with every day, people who wish us well. Not a single one of them supported revoking MFN status. To the contrary, they all felt that a good relationship between the United States and China is crucial.

The right course to take, therefore, is very clear. From Korea to human rights to global warming to Hong Kong and Taiwan and trade, we have very serious issues to discuss with the Chinese. And the annual MFN debate is an artificial, unnecessary crisis that makes results on all of them more difficult.

So we should not debate this question into the misty and indefinite future. Instead, we should back up the President this year, renew China's MFN status, and when China faces up to its WTO responsibilities, then make MFN permanent.

Mr. President, I ask unanimous consent that an acknowledgement on the East Asia trip be printed in the RECORD at this point.

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

SENATOR MAX BAUCUS—ACKNOWLEDGMENTS ON EAST ASIA TRIP

Mr. President, we in Congress oversee the work of government. It's our responsibility to eliminate waste. Fix what's broken. Find what's wrong. That's an essential part of the job. But every once in a while, we ought to stop and remind ourselves what's right. And today I'd like to take a few minutes to do that.

I recently returned from a week-long trip to South Korea, North Korea, Beijing and Hong Kong, with a brief stop at Misawa Air Force Base in Japan as well, on official business for the Finance Committee.

In the future I will make a more formal report to the Committee on these visits. But setting the policy issues aside for a moment, this trip reminded me once again that both here in Washington and overseas we have talented, patriotic people who are doing their very best for our country. And today, I would like to take some time to thank for helping to make my trip a success.

In Washington:

Chairman William Roth, and Jane Butterfield of the Finance Committee staff;

Lt. Col. John Wohlman, who served as my military escort officer in Seoul, Pyongyang and Beijing;

Assistant Secretary of Defense Dr. Franklin Kramer and Rear Admiral William Wright, who gave me a very enlightening brief on Korean security issues and our military dialogue with the Chinese armed services, and Col. Martin Wisda of the POW/MIA office;

Charles Kartmann, Deputy Assistant Secretary of State, Howard Lange, State Department China Desk Director and John Long of the State Department's East Asia Bureau;

Peter Scher of the U.S. Trade Representative on the state of our agricultural trade talks with China; and

Teri Patin and the staff of the State Department Office of Congressional Travel.

In Seoul:

With the U.S. Embassy:

Charge d'Affaires Richard Christiansen, an extremely capable and knowledgeable public servant who is one of our country's real experts on Korea; and

Larry Robinson, Political Officer and my Control Officer. Larry worked hard on very short notice to arrange my schedule, and gave me some very good advice about China as well; and

David Schoonover, Agricultural Minister-Counsellor.

With US Forces—Korea:

Gen. John H. Tilleli, Commander of US Forces—Korea;

Gen. George W. Norwood and the other USFK officers, who helped brief me on the security issues we face in Korea; and

The Korean-American Cowboy Association for inviting me to the Memorial Day Rodeo to meet and talk with some of our enlisted men and women.

At Misawa Air Force Base in Japan:

Gen. Bruce Wright, USAF; and

Col. Mark Rogers, USAF.

In Beijing:

Ambassador Jim Sasser and the other participants in the Country Team Briefing;

Kelley Snyder, Second Secretary, Economic Section. Ms. Snyder was principally responsible for arranging meetings with Chinese political leaders, and officials from the National Environmental Protection Agency, the Agriculture Ministry, the People's Liberation Army, the Trade Ministry, the Foreign Ministry and the Hong Kong and Macao Office of the State Council.

Bill Brant, Agricultural Minister, who handled the Embassy's participation in the Mansfield Pacific Center Conference on Food Security and Agricultural Trade, and helped make it a resounding success;

Jim Brown, the Embassy Interpreter.

In Hong Kong:

Consul General Richard Boucher;

Scot Marciel, Economic Officer and my control officer. Scot helped me arrange meetings and gain an understanding of the spectrum of Hong Kong opinion on the transition;

Dr. Douglas Spelman, Chief of the Economic and Political Section;

Robert Tynes of the Consular Section and his staff, who handle a tremendously busy and important office very efficiently; and

Victor Chan of General Services.

Our country has a lot at stake in all these places. We face some difficult issues, and in the case of Korea some very dangerous ones. But I must say that we have some very good people on the job. I could not have had better advice on setting an itinerary, more efficient logistical help in scheduling it, and more informed briefings than I received from them. They have my gratitude, and America is lucky to have them.

Mr. BAUCUS. Thank you, Mr. President.

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

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

THE ALL-NIGHT DISASTER VIGIL

Mr. DASCHLE. Mr. President, I want to take a couple of minutes of the time allotted to thank so many of our colleagues from both sides of the Congress for their participation in our all-night vigil last night.

We began at 6 o'clock yesterday evening and worked through until 9 o'clock this morning, nonstop. We had about 25 Senators who participated, Senators from all over the country, and some Senators from States that were not affected by the disaster, not included in the supplemental legislation. We had Members of the House of Representatives who participated and came all the way over to express their concern and to participate. I am told we had close to 50 Members of Congress who participated throughout the night. Many of them stayed up all night. I myself had the opportunity to get a couple hours of sleep.

Especially, I want to thank all of the leadership committee staff for the tremendous job that they did, the DTCC staff, the DPC staff, certainly the steering coordination people, and my staff in the leadership office. They deserve our commendation and a heartfelt thanks for all of the work they did in bringing this about. We had the opportunity, as some of my colleagues have already noted, to talk to people around the country and express to them our sincere hope that they know how hard it is sometimes to get this legislation back on track, but also recognize how desirous we are of making that happen soon.

I have had the opportunity to talk to Senator LOTT this morning. I am hopeful that as a result of our conversation and the conversations that I know he is having with other Members, especially on the House side, that we might actually find some way to reach an agreement sometime before the end of the day. I think that is possible. I think there still has to be a lot of good discussion and good-faith effort to try to find a compromise procedurally. But I certainly am hopeful that can be done today.

Last night we talked to people who simply said that they cannot wait any longer, and there are those who said that the problem they are concerned about now is the very short timeframe that we have within which to do any real construction work in the Dakotas and Minnesota. We have no more than 120 to 125 days. In some cases it is less than 100 days depending on the kind of construction project they are considering. So the bottom line is that if you do not get started soon, you miss an entire construction period in the northern part of our country.

That is why it is imperative that these people know exactly how much money they can expect so they can budget for purposes of letting contracts and making plans on infrastructure. There are going to be projects that are going to require more than 1 year. The mayor of Watertown said she felt that it is going to take 2 to 3 years to deal with all the infrastructure problems that are out there.

So there is no doubt that we are not going to be able to deal with all of the problems we have right now. But we are going to be able to prioritize as soon as we know what the budget is. We are going to be able to let contracts. We are going to be able to address these needs one by one and make some effort at trying to resolve the most difficult priorities first—the most contentious and problematic issues that many of these people have to deal with.

So, Mr. President, I think it is so critical that we get on with this legislation, that we pass it, and that we take out the extraneous legislation.

I indicated that we would be more than happy—and I will repeat it again this morning—to work with leadership on both sides of the Congress and with our Republican colleagues in particular to design a way in which to have a time certain to consider these provisions with even an amount of time to be debated. We could even perhaps consider limitations on amendments—I am not suggesting that today—but perhaps even an amendment limitation in an effort to expedite consideration of these extraneous matters. The two most contentious, of course, are the census and the continuing resolution. They are the ones that we would want to find a way in which there could be a separate debate, a date, and a time certain for consideration and ultimately a vote. Let's do that. We can do it simultaneously with the passage of the disaster bill. But that would allow us the opportunity to move forward even this afternoon.

So I am hopeful that we can accomplish that. I am hopeful that perhaps now in the last 24 or 48 hours there can be a growing appreciation of the need to do something like that. I remain ready to sit down and discuss the matter with anybody who has another idea. Until that time, I think it is important that we begin working on this effort.

I yield the floor.

Mr. DORGAN addressed the Chair.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, how much time remains on the amount of time allocated to the leader?

The PRESIDING OFFICER. Ten minutes twenty seconds.

Mr. DORGAN. Mr. President, let me follow on his remarks just for a few minutes and read a couple of letters from some folks because, after all, this is not some theory or some debate about policy. It is a discussion about how this issue impacts the lives of citizens. I thought it would be useful to read a couple of the letters that we have received.

This is a letter from a fellow in Grand Forks, ND, who writes, "The people here have no homes, no jobs, no other homes to go to. They have no toys, no bikes, no clothes, nor anything else, for that matter, for their children."

And he says, "You go home and take a break for Memorial Day recess," addressing that to the Congress. He said, "I am very angry at the way people are playing with the disaster relief bill and the lives of the people who need help now. They have no right to delay this bill or add to this bill. They want to add things, add more money. We will not have enough money even with this bill to repair our lives."

This is a letter from someone named Tim, who is a disaster victim. "I am a victim of the flood of 1997, as well as my family and friends and businesses who are victims of the flood. As you know, we have suffered a great deal, and as long as you continue to stall on the legislation for disaster relief our pain and suffering is prolonged. Perhaps you should visit here and see and feel the pain and devastation. Spend 3 days here and you will soon understand why people are depressed and why the anxiety level is extreme." He said, "We strive to help each other out in this country in times of need. Americans like to spread the burden of disaster among everyone. That is what it means and that is why it makes us a great country, and we need your help now. On behalf of my family, my wife, our two daughters, we need your support."

Rodney and Judy wrote this letter to the Congress and to the President. "We were evacuated from our homes on the 19th of April 1997. It sat under water for a period of 10 to 12 days with 56 inches of sewer and flood water on the main floor of our home. Currently the house

is sitting empty because we are waiting on a bill to be passed by Congress providing flood relief. I am a staff sergeant in the Air Force. My wife and my child also happen to be from Grand Forks, North Dakota. We are proud of our community, and we hate to see it wasted as it is. Right now, even through all of the mess, I have my bags packed and am ready to go at a moment's notice to fight and possibly die for our country. That is our calling in the Air Force. But what Congress is doing to us really hurts. I still make a house payment for a home that sits empty." He said, "The home is getting worse day after day. I can't do anything but wait. Do you think this is fair? How did you enjoy your vacation over the Memorial Day weekend? I spent mine fixing up, repairing, and helping my neighbors so that their homes can be lived in once again. I think you should come out here and spend a few days in the stink and the mud and the junk on the curbs and the streets. All we want is answers. Why is this taking so long? Stop playing games with the disaster bill and get it passed. We are tired of waiting for an issue that should have been taken care of long ago."

I mentioned earlier today of a call last evening when I was part of the vigil last night from midnight until 3 in the morning, a call from a man named Mark from Grand Forks, ND, whose wife is dying, whose home was flooded, whose family was separated, and who now, like thousands of others in Grand Forks, ND, waits for an answer. Mark is dealing with his wife's illness, with a family that is separated, with a natural disaster, and now he needs to deal with answers to the questions he has. "What about my future? What is going to happen to my community? How can I put my family and my life back together again?" And the answers are in this piece of legislation.

We still have people here who, as of last night, are making the case that this doesn't matter. "Nothing is being held up. It doesn't matter." FEMA, the Federal Emergency Management Agency, they say, has money in the pipeline. "Money is flowing. What are people complaining about?"

Anyone who asks that question has a responsibility to go to Grand Forks, ND, and peek through the tent flap of a tent on the front of a yard of a home that is destroyed where the family is now living, or knock on the door of a camper trailer that is parked in the yard of a home that is destroyed where a family is now living, or go to a shelter where a family now still lives, and ask them, "What is the hurry? Why are you so anxious?" Anyone who believes that there is money in the pipeline to do that needs to go talk to those folks, has a responsibility to go to talk to those folks, and then come back and stand on the floor of the Senate or the House and say, "There is no emergency here." And, if they do that, then they will not be telling the truth because they will have known better. They will have known differently.

This is urgent. The thousands of people this morning who woke up not in their own bed, not in their own homes, know it is urgent. They woke up somewhere else—another town, another home, living with a relative, in a shelter, in a motel, in a camper trailer, and, yes, a tent. They know it is urgent. Yet, day after day we continue to hear people in and around this Capitol justifying the stalling on the disaster bill by saying, "Well, it is not urgent. There is nothing in this bill that will provide urgently needed relief. This is for long-term relief." It is fundamentally false; wrong.

Will Rogers said—I quoted him the other day—about someone, "You know, it is not what he knows that bothers me so much. It is what he says he knows for sure that just ain't so." We have people who apparently say they know for sure this aid isn't urgent, and they ought to know it ain't so. If they do not know that, they have a responsibility to become informed.

As long as I serve in this Congress I will never attach a controversial unrelated amendment to a disaster bill because it is unfair to do it. I will not do that. And I hope others will not do it in the future either.

In fact, I think we ought to change the rules of the Senate, and I will intend to propose such a change. I expect it will be hard to get adopted. But I think we ought to change the rules of the Senate and say that on bills that are disaster bills, or emergency bills, you ought not be able to offer extraneous or unrelated or nongermane amendments. Will that be hard to get passed in this body? Of course, it will. But shouldn't there be some category of legislation that is an emergency that represents a response to a disaster that at least ought to be held aside and say, "All right, this is different. This is urgent, and you don't add extraneous controversial amendments to this"?

I think we ought to have a rule change to require that with respect to those select categories of legislation that represent urgent disaster or urgent emergency disaster relief.

I hope maybe today, after now nearly 3 additional weeks of delay, that we might be able to provide an answer to the victims of these disasters and that the answer would be that the generous amount of relief that has been worked on by both sides but now which has been locked up by the maneuvering of some, that generous amount of relief will now be made available to people to help them put their lives back together. If it is done now, if it is done in the next couple of hours, it can be signed into law this evening and the disaster aid will be available immediately.

If it is not done today, will it be done tomorrow? If not tomorrow, will it be next week, or next month? How long do disaster victims have to wait? How long do they have to wait and how many letters do we have to read? How many phone calls do we have to recount about people's lives which are being interrupted, families split, homes destroyed and lives in chaos because Congress has not done its job?

Let's hope this is resolved today.

Mr. President, I yield the floor.

Mr. President, I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant 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 (Mr. ALLARD). Without objection, it is so ordered.

VOLUNTARY ENVIRONMENTAL SELF-AUDIT

Mr. LOTT. Mr. President, yesterday Senator KAY BAILEY HUTCHISON, my colleague and friend, introduced S. 866, legislation that provides a necessary Federal standard regarding voluntary environmental self-auditing for States. There are nearly two dozen States which are experimenting with laws to encourage self-audits. These laws are aimed at increasing environmental protection and directing scarce enforcement resources toward the real bad actors. We need Federal legislation to make these State laws work, and Senator HUTCHISON has a balanced, fair approach.

I want to take this opportunity today to share with my colleagues how this legislative proposal will strengthen America's environmental policies. I will join Senator HUTCHISON as an active cosponsor to S. 866.

First, I would like to explain what voluntary environmental self-auditing is all about.

In the past 10 years, the number of environmental statutes and regulations that impose compliance obligations, and the corresponding civil and criminal penalties and sanctions for violations, have dramatically increased. In response to these developments, more and more companies are using environmental self-audit programs as a tool to ensure compliance.

Generally, an environmental audit is a means of reviewing a business in order to get a snapshot of its overall compliance with environmental laws and to troubleshoot for potential future problems. EPA defines an audit as "a systematic, documented, periodic and objective review by regulated entities of facility operations and practices related to meeting environmental requirements." Audits can include inspections of equipment to insure that

permit requirements are being met; review of future and present risks of regulated and unregulated materials used at the facility; and surveys of the day-to-day operation of environmental management structure and resources. Some companies have compliance management systems that include day-to-day, even shift-to-shift, voluntary activities to assure compliance.

No State or Federal law requires companies to undertake comprehensive environmental self-auditing. This is just a good business practice initiated by companies that are taking extra steps to be in full compliance with environmental law.

There are no guidelines or standard practices—audits vary considerably because they must accommodate the individual needs of companies or specific facilities to be most effective. They are typically much more extensive than an inspection by a State or Federal regulator because they are done more often and because companies simply know much more about their operations and permit obligations than regulators do. A company conducting its own audit can identify and correct a much wider range of potential environmental violations.

Mr. President, doesn't this sounds like a great idea?

Unfortunately, many companies do not perform voluntary self-audits because the information contained in the audit documents can be obtained by Government regulators, prosecutors, citizens' groups, or private citizens and used to sue the company. Companies completing environmental audits develop documentation of their instances of noncompliance or areas of potential concern. These documents, if made public, are a roadmap for third parties or governments to sue even if the problem has already been corrected and no environmental harm has occurred.

Remember, we have an incredibly complex compliance system. Last year a survey conducted by Arthur Anderson and the National Law Journal found that nearly 70 percent of 200 corporate attorneys interviewed said that they did not believe total compliance with the law was achievable. This is due to the complexity of the law, the varying interpretations of the regulators and the ever-present role of human error and the cost.

Because of this complexity, it is possible and logical that companies which take on the task of self-evaluation will find violations—and that is what we want them to do. Find problems and fix them without waiting a year for a Government inspection.

Companies are already vulnerable to extensive liability under environmental laws. Under the Clean Air Act Amendments of 1990, for example, the maximum civil penalty that may be assessed is now $25,000 per day per violation. EPA's fiscal year 1994 enforcement and compliance assurance accomplishments report shows that 166 civil judicial penalties were brought in 1994 totaling $65.6 million. On average, that is about $400,000 a case. There were 1,433 administrative penalty orders for the same year totaling $48 million.

Mr. President, that's a lot of money. A pretty powerful disincentive to self-auditing.

Yet, nearly two dozen States have recognized this disincentive to self-auditing and have enacted laws to fix the problem. These States and their citizens want more companies to conduct self-audits. Mississippi is one of the States that has acted on this issue.

These State laws typically do three things: First, provide qualified evidentiary protection for internal company audit documents; second, grant penalty immunity to companies that conduct audits and voluntarily disclose all violations they discover in their audit; and third, require prompt cleanup of the violation.

In other words, the States are saying that responsible, self-auditing companies that find and report problems to State authorities are rewarded. The companies do not have to pay a fine and are protected from any court action on an internal company audit.

Mr. President, this is a fair deal. We get more environmental protection—which should be the goal of environmental laws—not just freedom from sanctions and penalties. Senator HUTCHISON's legislation brings better environmental compliance with a voluntary flexible component.

Mr. President, this is basic common sense—companies have an incentive to find and fix their problems right away. What could be better for the environment?

State officials also benefit because they can establish cooperative relationships with companies instead of the current adversarial enforcement system. Taxpayers get a better return from their tax dollars because enforcement resources can be redirected toward the bad guys who are not following the law. And, most importantly, we all benefit from greater compliance with our environmental laws.

Some will say that these State laws are about secrecy and letting polluters off the hook. Opponents say that these laws make it more difficult to prosecute and that they will interfere with enforcement actions or compromise the public's right to know.

Mr. President, this is just not true. These laws protect only the voluntary self-audit document. They do not protect any information required by law to be collected, developed, maintained, reported or otherwise made available to a Government agency. The opponents are saying that protection of the audit document will allow bad actors to hide violations and endanger human health. Of course, that is not true. Any action that causes an imminent threat is not protected and must be immediately reported to authorities. Companies gain nothing from these laws if they are using an audit for a fraudulent purpose, or if they find a violation and don't fix it. If they're cheating, they're out.

These laws present a new way of doing business. No safeguards are removed. The State legislature is just as eager as the Federal Government to protect its citizens. Senator HUTCHISON's legislation has the same safeguards.

Twenty-one States think this is a better way to get things done. Twenty-five other State legislatures are considering this voluntary self-audit legislation. Let me give you those numbers again: 21 States have enacted a voluntary audit law and 25 are considering one.

Mr. President, that is a grand total of 46 States. I'd say this is a definite trend. The Federal Government ought to open its eyes and join the parade.

We need to enact similar legislation on the Federal level to complement and assist those States with a full and effective implementation of this concept. That is what this bill is all about. No rollback of standards. No removal of any environmental law. Yes, a different approach, but one already tested in States where 95 million Americans are currently living. It is time for EPA to see the wisdom of 95 million Americans.

Why not let the States continue to show us innovative ways to achieve environmental progress? I frequently ask that question. The answer is EPA wants to retain the right to enforce the law after it delegates program authority to a State. This means that without a Federal law granting a qualified exception for voluntary self-audits, the EPA can take separate enforcement actions—or overfile—regardless of any State action.

The sad consequence is that a company that wishes to take advantage of a State audit law is not protected from Federal enforcement actions—even though the Federal inspectors didn't find the problem and the company has fixed it.

Why would a company voluntarily disclose violations to a State when the Federal Government can come after them for the same thing?

EPA has been very clear about its intent to scrutinize companies in States that have enacted laws and that are currently addressing audit bills in their legislatures. EPA has set up a task force to monitor the approval of State delegated programs under the Clean Air Act for States with voluntary environmental audit statutes. The agency has indicated that approval of certain State programs may be delayed or denied because of their State audit privilege statutes. EPA has used

this threat to withhold Federal program delegation in order to influence pending State legislation. Does this sound like an agency whose charter is to clean up the environment or does this sound like a bureaucracy that focuses on punishment first? Is this a constructive environmental approach?

Why—in the face of such Federal challenges—did the 21 States enact legislation? Because 95 million citizens want a cleaner environment. The States know it is the right thing to do. Americans want an approach that cleans the environment first. That is also why 25 other States want to consider alternatives. These States have shown great environmental courage.

I firmly believe that States can design and implement effective and successful environmental laws. In fact, States have proven that the Federal Government does not always know best and does not always get the job done.

I hope that EPA does not continue to minimize the independent sovereign rights of States to adopt and enforce environmental laws that protect the environment and add to our quality of life. Perhaps EPA needs to get a copy of the Constitution.

Full use of these State laws will never happen as long as EPA continues an adversarial approach. And Americans miss an opportunity to achieve creative and cost-effective solutions to environmental problems.

Even the Clinton administration has recognized the value of promoting environmental self-auditing when it issued a policy statement in December of 1995. It was a good first step forward, but in 2 years, we've seen only intimidation.

Basically, the administration policy says that if companies come forward and voluntarily disclose violations, then EPA will not prosecute them as aggressively as they could otherwise. Not a real bonus. No evidentiary protection, no protection against citizen suits, and it is only a policy, not a rule, so it does not have the force of law nor does it have any impact on what the Justice Department or the FBI can do. And this policy can and will vary from State to State and company to company.

It is now time for legislation. Senator KAY BAILEY HUTCHISON has accepted the challenge and introduced a sound bill yesterday. This bill fully recognizes the sovereignty of the State. Mr. President, Senator HUTCHISON's bill, S. 866, will encourage environmental self-auditing by setting up incentives at the Federal level for those States with the provision. Nothing more.

Americans get better environmental compliance. I urge my colleagues to give serious consideration to the proposal being advanced by Senator HUTCHISON.

THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Tuesday, June 10, 1997, the Federal debt stood at $5,351,973,547,710.08. (Five trillion, three hundred fifty-one billion, nine hundred seventy-three million, five hundred forty-seven thousand, seven hundred ten dollars and eight cents.)

One year ago, June 10, 1992, the Federal debt stood at $5,134,653,000,000. (Five trillion, one hundred thirty-four billion, six hundred fifty-three million.)

Five years ago, June 10, 1992, the Federal debt stood at $3,939,456,000,000. (Three trillion, nine hundred thirty-nine billion, four hundred fifty-six million.)

Ten years ago, June 10, 1987, the Federal debt stood at $2,294,202,000,000. (Two trillion, two hundred ninety-four billion, two hundred two million.)

Fifteen years ago, June 10, 1972, the Federal debt stood at $1,073,704,000,000 (One trillion, seventy-three billion, seven hundred four million) which reflects a debt increase of more than $4 trillion—$4,278,269,547,710.08 (Four trillion, two hundred seventy-eight billion, two hundred sixty-nine million, five hundred forty-seven thousand, seven hundred ten dollars and eight cents) during the past 15 years.

COMMEMORATING THE 30TH ANNIVERSARY OF THE REUNIFICATION OF JERUSALEM

Mr. MACK. Mr. President, I rise today to commemorate the 30th anniversary of the reunification of Jerusalem and to congratulate the people of Israel on their commitment to freedom.

Jerusalem, Mr. President, is a city unique in all the world. We know much of its 3,000 year history. We know that Jerusalem has been a great city for many people; we know that it remains a holy city for people throughout the world; we know that it is an inseparable part of the Jewish state, a fundamental part of Jewish identity; and we know that it is the undivided capital of the State of Israel.

It was on the hill which we call the Temple Mount that overlooked the Jerusalem of Abraham, where God called upon Abraham to bring his son to be sacrificed; it was here that God made His covenant with man. Jerusalem holds the remains of the first and second temples including the Western Wall of the temple's courtyard, Judaism's holiest site. It is to Jerusalem that Jews everywhere in the world turn in prayer and, no matter where they live, they conclude their celebrations with the refrain "next year in Jerusalem."

Mr. President, I would like to read from perhaps the most moving description of this great city delivered by one of Israel's greatest leaders and statesmen. In 1995, the late Prime Minister Yitzak Rabin delivered the following remarks here in the U.S. Capitol:

Jerusalem is the heart of the Jewish people and a deep source of our pride. On this festive occasion, thousands of miles from home, here and now, we once again are raising Jerusalem above our highest joy, just like our fathers and our fathers' fathers did.

Jerusalem has a thousand faces—and each one of us has his own Jerusalem.

My Jerusalem is Dr. Moshe Wallach of Germany, the doctor of the sick of Israel and Jerusalem, who built Sha'arei Zedek hospital and had his home in its courtyard so as to be close to his patients day and night. I was born in his hospital . . .

My Jerusalem is the focus of the Jewish people's yearnings, the city of its visions, the cradle of its prayers. It is the dream of the return to Zion. It is the name millions murmur, even on their death bed. It is the place where eyes are raised and prayers are uttered.

My Jerusalem is the jerrycan of water measured out to the besieged in 1948, the faces of its anxious citizens quietly waiting in line for bread, the sky whose blackness was torn by flares.

My Jerusalem is Bab el-Wad—the road to the city—which cries out, "Remember our names forever." It is the ashen faces of dead comrades from the War of Independence, and the searing cold of the rusting armored cars among the pines on the side of the road.

My Jerusalem is the great mountain, the military cemetery on Mount Herzl, the city of silence whose earth holds the treasured thousands of those who went to bitter battle—and did not return.

My Jerusalem is the tears of the paratroopers at the Western Wall in 1967 and the flag which once more waved above the remnant of the Temple.

My Jerusalem is the changing colors of its walls, the smells of its markets and the faces of the members of every community and every faith, where all have freedom of thought and freedom of worship in the city where holiness envelops every stone, every word, every glance.

And my Jerusalem is the City of Peace, which will bear great tidings to all faiths, to all nations, "For the Torah shall come forth from Zion and the word of the Lord from Jerusalem . . . Peace be within thy walls and prosperity within thy palaces."

We differ in our opinions, left and right. We disagree on the means and the objective. In Israel, we all agree on one issue: the wholeness of Jerusalem, the continuation of its existence as capital of the State of Israel. There are no two Jerusalems. There is only one Jerusalem. For us, Jerusalem is not subject to compromise, and there is no peace without Jerusalem.

Jerusalem, which was destroyed eight times, where for years we had no access to the remnants of our Temple, was ours, is ours, and will be ours—forever.

"Here tears do not weaken eyes," wrote the Jerusalem poet Yehuda Amichai. "They only polish and shine the hardness of faces like stone." Jerusalem is that stone.

Mr. President, Jerusalem is more than the heart of the Jewish people. It is sacred throughout the world. Jesus was crucified inside today's city, and Mohammed was said to have ascended into Heaven from the Temple Mount. Mr. President, Jerusalem indeed is a great city; it is a city of the world, a city revered by the world, and a city for the world. Its freedom is invaluable.

Unfortunately, from 1948 to 1967, beginning with the war waged against the new State of Israel and ending with Israel's victory in the Six-Day War, Jerusalem was a divided city. During this time, Israelis of all faiths and Jews from around the world were prohibited from entering the eastern part of the city and from praying at the holy sites there. Jerusalem had lost its freedom, and the world had lost its Jerusalem.

This week, Mr. President, marks the anniversary of the liberation of the holy city and its return to freedom. That is why we are congratulating the people of Jerusalem.

Today, Jerusalem is a city of growth, prosperity, and freedom. Upon their victory in 1967, those denied the city for so long did not deny it to the defeated. To this day, perhaps the most holy site for all three major religions of the city remains housed in a Moslem mosque, the Dome of the Rock. But it is a place which can be visited by anyone who desires.

So, beyond honoring the freedom of this great city, I want to congratulate the people of Jerusalem and of Israel for their commitment to religious freedom and the principle that religious faiths should not pay the price of political disputes. The Jews of Israel know very well the importance of religious freedom, and the pain of its denial.

Today, as we remember Jerusalem's proud and turbulent past, and honor its freedom-loving residents, we must appreciate the continuing threat to the city's future.

Thirty years ago today, Mr. President, Israel was at war, fighting for the freedom and indivisibility of Jerusalem. I submit that today, Israel remains at war. We must remember, as the peace which seeks to end this war ebbs and flows, that many people in and around Israel are trying to accomplish through other means what they failed to do in 1967—push Israel into the Mediterranean Sea. In this environment, we must not assume all parties are equally right and equally wrong. The middle of a dispute is usually not halfway in between the belligerents. Treating bombs in cafes and on buses as morally equivalent to bulldozers on deserted hilltops jeopardizes peace.

The Senate, on May 20, passed Senate Concurrent Resolution 21, marking the anniversary of Jerusalem's reunification and congratulating the people of Israel. The measure had 88 initial cosponsors and passed unanimously. This clear message cannot be misunderstood. There is only one Jerusalem and it is the undivided capital of Israel. As the peace process continues there should be no doubt about where the U.S. Senate stands. The Senate 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 and calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel.

Mr. MOYNIHAN. Mr. President, today the Senate joins the people of Israel as they celebrate the 30th anniversary of the reunification of Jerusalem. The Six-Day War began after Egyptian President Gamal Abdel Nasser, spurred on by the Soviet Union, conspired with Syria, Jordan, and Iraq to have the people of Israel "thrown into the sea." Nasser persuaded U.N. Secretary General U Thant to withdraw peacekeeping forces from the Gaza strip which for 10 years had acted as a buffer between Israel and Egypt. The Egyptians began amassing troops in the Sinai. Israel, surrounded by 250,000 Arab troops preparing for war, launched a devastating pre-preemptive strike on June 5.

The war was a significant event in Israeli history and resulted in the reunification of Jerusalem, which before the war had been divided with all access to the Old City and its holy sites denied to Jews.

I have been involved with this particular issue in some measure since my tenure as the U.S. Permanent Representative to the United Nations in 1975. By the early 1970's, a Soviet-led coalition wielded enormous power in the U.N. General Assembly and used it in an assault against the democracies of the world. In that regard, I cite an editorial in the New Republic which has said of the United Nations in that time that "During the Cold War, the United Nations became a chamber of hypocrisy and proxy aggression."

Those who had failed to destroy Israel on the field of battle joined those who wished to discredit all Western democratic governments in an unprecedented, sustained attack on the very right of a U.N. member state to exist within the family of nations.

The efforts in the 1970's to delegitimize Israel came in many forms. None more insidious than the twin campaigns to declare Zionism to be a form of racism and to deny Israel's ties to Jerusalem. Those who ranted against the "racist Tel Aviv regime" were spewing two ugly lies. Both had at their heart a denial of Israel's right to exist.

The first lie, the infamous Resolution 3379, was finally repealed on December 16, 1991, after the cold war had ended and as the Soviet Union was dissolving. The second we are still dealing with today.

That Jerusalem is, and should remain Israel's undivided capital would seem an unremarkable statement, but for the insidious campaign—begun in the 1970's—to delegitimize Israel by denying her ties to Jerusalem. For far too long the United States acquiesced in this shameful lie by refusing to locate our embassy in Israel's capital city. As long as Israel's most important friend in the world refused to acknowledge that Israel's capital city is its own, we lent credibility and dangerous strength to the lie that Israel is somehow a misbegotten, illegitimate or transient state.

This suggestion is all the more untenable when you consider that no other people on this planet have been identified as closely with any city as the people of Israel are with Jerusalem—a city which recently celebrated the 3000th anniversary of King David declaring it his capital. No Jewish religious ceremony is complete without mention of the Holy City. And twice a year, at the conclusion of the Passover Seder and the Day of Atonement services, all assembled repeat one of mankind's shortest and oldest prayers, "Next Year in Jerusalem."

Throughout the centuries Jews kept this pledge, often sacrificing their very lives to travel to, and live in, their holiest city. It should be noted that the first authoritative Turkish census of 1844 reported that Jews were by far the largest ethnic group in Jerusalem—long before there was a West Jerusalem, or even any settlements outside the ancient walled city.

When the modern State of Israel declared independence on May 14, 1948, Jerusalem was the only logical choice for the new nation's capital, even if it was only a portion of Jerusalem—the Jordanian Arab Legion having occupied the eastern half of the city and expelled the Jewish population of the Old City. Jerusalem was sundered by barbed-wire and cinderblock and Israelis of all faiths and Jews of all citizenship were barred from even visiting the section under Jordanian occupation.

The world was silent while the historic Jewish Quarter of the city was sacked and razed to the ground, synagogues and schools were destroyed, and 3,000 years of history were denied. This bizarre anomaly only ended on June 5, 1967, when Israel faced renewed aggression from Egypt and Syria, both then close friends of, and dependents of the Soviet Union. As hostilities commenced, Israeli Prime Minister Levi Eshkol sent a message to King Hussein of Jordan promising that, if Jordan refrained from entering the war, Israel would not take action against it. Jordan, however, attacked Israel that same day. Within the week, Israeli forces had captured all of Jerusalem, as well as other territories west of the Jordan River. The City of David was once again united, and has remained so since 1967. Under Israeli rule Jerusalem has flourished as it did not under Jordanian occupation, and the religious shrines of all faiths have been meticulously protected.

Having made the odious link between Zionism and racism, the Soviet inspired coalition now set its sights on

the heart of Israel: Jerusalem. The Seventh Conference of Heads of State of Government of Non-Aligned Countries, which convened in New Delhi, India, March 7 through 11, 1983, devoted several lengthy passages of its Final Declaration to excoriating Israel and its ally, the United States. Special attention was devoted to the question of Jerusalem's status. And not just East Jerusalem as had become the practice of such fora.

I happened to be in New Delhi in the days before the summit began and was shown a draft of the Final Declaration. The draft passage of Israel read: "Jerusalem is part of the occupied Palestinian territory and Israel should withdraw completely and unconditionally from it and restore it to Arab sovereignty."

While surely this can be read as a provocative statement that all of Jerusalem is occupied Palestinian territory, when pressed on the point, my Indian hosts assured me that by Jerusalem they really only meant east Jerusalem, which is to say the Old City, or perhaps the Arab section. Hence, the significance of the revised final text of the declaration of some 101 nations.

This is what the nonaligned declared in that session in 1983:

> West Jerusalem is part of the occupied Palestinian territory and Israel should withdraw completely and unconditionally from it and restore it to Arab sovereignty. West Jerusalem!

The 101 nations of the Non-Aligned Movement declared that the Israeli Parliament and government buildings, Yad Vashem, the Holocaust memorial, the King David Hotel, the whole of the new city, did not belong to Israel. The State of Israel is not a nation. It has no capital, or so said the nonaligned.

What was the response from Washington to such polemics? Not a word. In effect, our silence could have been interpreted as implying that we had no quarrel with those who state that Israel has no capital. And thus, that Israel is less than a sovereign nation.

It was at this point that I brought the issue to the Senate floor. On October 31, 1983, I introduced S. 2031 which required the relocation of our Embassy from Tel Aviv to Jerusalem.

Official documents published by the United States Government at the time, such as the State Department's "Key Officers of Foreign Service Posts: Guide for Business Representatives," listed Jerusalem separate from Israel. The guide listed countries alphabetically, under each of which in subscript was enumerated the various diplomatic posts the United States Government maintained in that country.

There was Ireland, with the one post in Dublin; then came Israel, with one diplomatic office listed, its address in Tel Aviv; then curiously several pages later, after Japan, there was listed a Consulate General in a country called Jerusalem. Then came Jordan and Kenya.

That was how the "Key Officers of Foreign Service Posts" was organized until the end of 1994, when Secretary Christopher published the document with Jerusalem listed under the Israel heading. This is a welcome change. That simple refusal by the United States Government to associate our consulate in Jerusalem with the State of Israel carried much greater weight with the Non-Aligned countries than we realized.

They would not have acted as they had done in 1983 if they did not think at some measure we were not in disagreement. Our documents have so implied.

While my legislation did not pass in 1983, the drive to clarify the status of Jerusalem began to gain momentum in the Senate in 1990 when I submitted Senate Concurrent Resolution 106, which states simply: "Jerusalem is and should remain the capital of the State of Israel." A simple declarative sentence which gained 85 cosponsors and was adopted unanimously by the Senate and by an overwhelming majority in the House.

On November 8, 1995, the Dole-Moynihan Jerusalem Embassy Act became the law of the United States. The law states, as a matter of United States Government policy, that Jerusalem should be recognized as the capital of the State of Israel, and should remain an undivided city in which the rights of every ethnic and religious group are protected as they are today.

In the winter of 1981, I wrote an article in Commentary entitled "Joining The Jackals" in response to the Carter administration's disastrous support for a resolution challenging Israel's rights in Jerusalem. Sixteen years later, we find that the jackals are in retreat. Israelis and Palestinians are negotiating the details of their future. And the United States can make a simple but important contribution to this process by unequivocally recognizing Israel's chosen capital.

The Senate has affirmed this simple proposition by unanimously adopting Senate Concurrent Resolution 21, on May 20, 1997, which commemorates the reunification of Jerusalem and states that:

> [The Senate] 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;
>
> [and]
>
> Calls upon the President and Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain and undivided capital of the state of Israel.

Mr. President, I thank my colleagues for their strong support of this measure, and again wish to congratulate our friends in Israel on this important occasion.

Mr. KEMPTHORNE. Mr. President, today I join my colleagues in congratulating the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of their capital.

Christianity, Islam, and Judaism hold Jerusalem sacred, and the many holy sites of all faiths make a city a world spiritual and religious center. With the reunification of Jerusalem in 1967, Israel ensured the freedom of worship for all faiths and access to holy places of all religions with the enactment of the Protection of Holy Places Law, 1967.

Today, Jerusalem is a mosaic of many cultures, religions, and nationalities, of peoples and neighborhoods, of old and new. It is a union of contrasts with a unique character. Last year Israel celebrated the Trimillennium of Jerusalem, the City of David. And for the past 3,000 years there has been a continuous Jewish presence in the city. In fact, ever since King David made Jerusalem the capital of his kingdom, Jerusalem has become a center of Jewish existence.

No other nation has ever made Jerusalem its capital in such an absolute and binding fashion. The Temple was built in Jerusalem, and to it the religious made their pilgrimages. Chapters of the Bible were written within its walls, and there the prophets preached their prophesies. The city's ancient stones, imbued with millennia of history, and its numerous historical, sites, shrines, and places of worship attest to its meeting for Jews, Christians, and Muslims. Sanctified by religion and tradition, by history and theology, by holy places and houses of worship, Jerusalem is a city revered by Jews, Christians, and Muslims. It reflects the fervor and piety of the three major monotheistic faiths, each of which is bound to Jerusalem by veneration and love.

The Jewish bond to Jerusalem was never broken. For three millennia, Jerusalem has been the center of the Jewish faith, retaining its symbolic value throughout the generations. The many Jews who had been exiled after the Roman conquest and scattered throughout the world never forgot Jerusalem. Year after year they repeated "Next year in Jerusalem." Jerusalem became the symbol of the desire of Jews everywhere to return to their homeland. It was invoked by the prophets, enshrined in daily prayer, and sung by Hebrew poets in far-flung lands.

As a Christian, Jerusalem is a holy city for me. Jerusalem is the place where Jesus lived, preached, died, and was resurrected. I went to Jerusalem in 1994 and visited various holy sites including the Church of the Holy Sepulcher, the Garden of Gethsemane, and the Via Dolorosa. For me there is something very special about this ancient city and I am glad I was able to

visit these sites unencumbered, as are all persons.

For Islam, the prophet Mohammed was miraculously transported from Mecca to Jerusalem, and it was from there that he made his ascent to heaven. The Dome of the Rock built in the seventh century, is built over the site of Mohammed's ascent.

Every year Jerusalem plays host to hundreds of thousands of Christian pilgrims who come to walk in the footsteps of Jesus and pray at the shrines and churches throughout the city. Thousands of worshipers pray at the Mosques on the Temple Mount, with their numbers swelling into the hundreds of thousands during Moslem holy month of Ramadan.

Jerusalem is a special city for me, my fellow Christians, Moslems, and Jews. For the United States, Jerusalem is the recognized undivided capital of Israel, and the United States embassy will be established in the city by 1999.

Mr. President, again, I want to congratulate the citizens of Jerusalem and Israel on this special occasion. As I wish them all my best for the next 3,000 years, I am reminded of Psalms 122:2–3.

Our feet stood within thy gate,
O Jerusalem,
Jerusalem built up,
a city knit together.

Congratulations, Jerusalem.

Ms. MIKULSKI. Mr. President, I am proud to rise as a cosponsor of Senate Concurrent Resolution 21 and commend the people of Israel on the 30th anniversary of the reunification of Jerusalem.

Jerusalem is and always will be the capital of Israel. For thousands of years the Jewish people prayed, "next year in Jerusalem." This prayer helped to sustain Jews even through the darkest days of the diaspora.

After Israeli independence, Jews were forced out of Jerusalem—where they had lived for three millennia. The holy sites of Jerusalem were closed to Christians and Jews. The Jewish quarter of the old city was destroyed. But since Jerusalem was unified in 1967, it has been open to all religions for the first time in its history.

I have visited Israel with Jews who were there for the first time. When we visited the Western Wall, I saw what it meant for them to touch the stones that their ancestors could only dream of. I saw that Jerusalem is not just a city or a capital. It is the religious and historic homeland of the Jewish people.

Jerusalem is the capitol of Israel—though the world ignores this fact. Why is Israel the only nation that is not allowed to chose its own capital?

There is much talk about building in Jerusalem. Well, there is a building project that I particularly look forward to. America will build its Embassy in Jerusalem by 1999. We should have moved our Embassy long ago.

Mr. President, This year, as we celebrate the 30th anniversary of the unification of Jerusalem, let us mark this great event by reaffirming that Jerusalem is and always will be the capital of the State of Israel.

Mr. HELMS. Mr. President, this past Saturday, June 7, marked the 30th anniversary of the reunification of the city of Jerusalem. Prior to 1967, Jerusalem was a city divided, its center scarred by concrete and barbed wire, with many of its residents displaced. Israel's recovery of Jerusalem during the Six-Day War ended that ugly partition and restored the ability of visitors and residents of all religions to worship freely and visit important holy sites in Jerusalem.

For my part, I am convinced that Jerusalem should remain the unified capital of the State of Israel. I have consistently supported measures before the Congress expressing opposition to the division of the holy city.

The Jerusalem Embassy Relocation Act, passed in 1995, definitively expressed Congress' heartfelt belief that Jerusalem should not only remain the capital of the State of Israel, but that the United States should recognize it as such.

Jerusalem occupies a central place in the Christian, Islamic, and Jewish faiths and I believe it is crucial to each of these great traditions that Jerusalem remain undivided and its holy sites open.

I urge that the President and the State Department declare their support for a free, united Jerusalem, and to avoid interfering in negotiations between Israelis and Palestinians on the status of the holy city.

Mr. President, in these last 30 years, the holy city of Jerusalem has flourished, not just for Israel, but for all people. Nobody can claim complete ownership of one of the spiritual centers of the world. But we can all congratulate the State of Israel on its excellent stewardship.

Mr. LIEBERMAN. Mr. President, I rise today to add my voice to those celebrating the 30th anniversary of the reunification of Jerusalem. The Senate has before it a resolution commemorating this occasion. Its passage will be an appropriate and fitting testimony to the courage of those who reunited and reopened the city, and to the wisdom of those who have maintained it that way for the last three decades.

Jerusalem is a city of faith. It is the spiritual home of Jews, Christians, and Muslims, and it is the sacred symbol and temporal meeting place of their shared legacy and common humanity. Undivided access to its holy sites is a promise made in the tumult of war and kept in the name of peace. Those who made it and those who keep it are rightly remembered by us today.

Jerusalem also is a national city. It is the undivided capital of Israel—the political and cultural center of one of America's staunchest, most important allies. The continued unity of Jerusalem under Israel's flag is not an issue for debate. It is our best assurance that America's most cherished values, including the rule of law and basic human freedoms, will be preserved and protected in a region critical to our own national interest.

Thirty years ago, the people of Israel reunified Jerusalem. But for more than 3,000 years, Jerusalem has endured as the city on the hill. Geography and politics alone do not being to explain its significance. It is a place where God touches us and unifies our histories; it is where the privilege and responsibility of Abraham's heritage becomes our own. Peace with justice in Jerusalem is a measure of our integrity as people of faith; and the best hope for peace with justice in Jerusalem is continued undivided sovereignty.

I urge my colleagues to pass this resolution congratulating the residents of Jerusalem and the people of Israel on the 30th anniversary of that city's reunification.

Mr. D'AMATO. Mr. President, I rise today to commemorate the 30th anniversary of the reunification of Jerusalem.

Jerusalem is and shall remain the undivided capital of the State of Israel. The facts are simple: Jerusalem belongs to Israel for the simple reason that for three millennia, it has been the spiritual, historical, cultural, and moral capital of the Jewish people. In recognition of this fact, the relocation of our Embassy from Tel Aviv to Jerusalem should take place as called for in the Jerusalem Embassy Relocation Act of 1995.

Thirty years after reuniting the city after preempting another attack by her surrounding Arab neighbors, Israel has sought to make the city open to people of all faiths and to make the holy sites available to all who come. The fact remains, that Jerusalem has never been the capital of any nation but that of the Jews. That is the way it should remain.

Mr. President, Jerusalem has been central in the thoughts and minds of the Jewish people for 3,000 years. As the holy city, Jerusalem is the spiritual and religious center of Judaism and is an indivisible part of the State of Israel.

While I understand that the present Middle East peace negotiations are both complicated and delicate, I do not want anyone to fall under the impression that Jerusalem will belong to anyone other than Israel. If the future of Jerusalem remains unclear in the minds of the Palestinians then they will increase their demands and this will further complicate the already tense negotiations.

Let the message be clear: A united Jerusalem is off limits to negotiation.

Mr. GRAHAM. Mr. President, I rise today in support of Senate Concurrent

Resolution 21 of which I am a proud cosponsor. This resolution congratulates the residents of Jerusalem and the people of Israel on the 30th anniversary of the reunification of that historic city. This resolution also expresses our strong belief 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. Furthermore it calls upon the President and the Secretary of State to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of the State of Israel.

There has been a continuous Jewish presence in Jerusalem for three millennia and a Jewish majority in the city for the past 150 years. Jerusalem has been, throughout these years, the holiest of cities and the focal point of Jewish devotion. Jerusalem remains a unique and critically important city to the Jewish people. Jerusalem is also the only city in the world which serves as the capital of the same country, inhabited by the same people, speaking the same language, and worshipping the same God as was the case 3,000 years ago.

During the 1948 Arab-Israeli War, the Jewish people were driven out of the Old City of Jerusalem and denied access to holy sites in the area controlled by Jordan. For 19 years Israelis of all faiths and Jews from all around the world were prevented from visiting their holiest sites by the barbed wire which divided Jerusalem. Today we commemorate 30 years of unrestricted access to these holy sites. Since the Israeli Government reunified Jerusalem under its control, the rights of all religious and ethnic groups have been restored and vigilantly protected.

The protection of the rights of every ethnic and religious group is critical to the maintenance of peace in such a diverse and religiously significant region. We are here today to commend the Israeli people and their government for restoring full access for all people to their holy sites. Today we again lend our support to continued Israeli control of a unified Jerusalem.

Support for a strong, independent, and undivided Israel is the keystone of our policy in the Middle East. Israel is not only the sole democracy in the region, but also a country with which we share cultural and historical ties. Our continued support of Israel, and of Jerusalem as its undivided capital, is especially important in this crucial point in the peace process.

We are here today in continuation of our previous policy initiatives regarding Israel and its control of Jerusalem. In 1990, the Congress adopted concurrent resolutions declaring that the Congress "strongly believes that Jerusalem must remain an undivided city in which the rights of every ethnic religious group are protected." In 1992, the Congress adopted resolutions to commemorate the 25th anniversary of the reunification of Jerusalem, additionally reaffirming congressional sentiment that Jerusalem must remain an undivided city.

Congress' most forceful and symbolically consequential actions in recognition of the importance of a unified Jerusalem have been part of its systematic rebuke of its previous policy of maintaining the U.S. Embassy in Tel Aviv. For some time the United States has conducted its official meetings and other business in the city of Jerusalem in de facto recognition of its status as the capital of Israel. The Jerusalem Embassy Act of 1995 stated as a matter of policy that Jerusalem should remain the undivided capital of Israel. Funds for the building of the U.S. Embassy in Jerusalem were recently appropriated in the fiscal year 1998 appropriations bill, H.R. 1486.

As a Member of this Senate and a long-time supporter of Israel, I am proud to stand with many of my distinguished colleagues as a cosponsor of this important resolution.

Mr. KYL. Mr. President, I rise in support of Senate Concurrent Resolution 21, commemorating the 30th anniversary of the reunification of Jerusalem as the capital of Israel.

It is an honor to be a cosponsor of this resolution, as it was to be a cosponsor of the 1995 Jerusalem Embassy Relocation Act. The 1995 act declared that the holy city should remain "undivided" and be "recognized as the capital of the State of Israel."

Mr. President, for 3,000 years there has been a continuous Jewish presence in the city of Jerusalem. No other city on Earth is the capital of the same country, inhabited by the same people, speaking the same language and worshipping the same God, for a span of three centuries as has been the case with Jerusalem.

In 1948, the Arab legion conquered East Jerusalem, including the Old City, as part of the general Arab military offensive to prevent Israel from coming into being. Israel retained control over West Jerusalem. It is important to note, Mr. President, that when East Jerusalem was under Arab or Muslim rule, it never served as a capital city for the rulers. Between 1948 and 1967, when East Jerusalem was under Jordanian control, Jordan's capital remained in Amman. I would also note that during this time, the holy city was closed to other religions. Jews were prevented from visiting their holy places, all the synagogues in the Old City were razed and Jewish burial places were desecrated.

In 1967, as Egypt and Syria moved again toward war against Israel, the Israeli Government urged King Hussein of Jordan to sit out the fighting and promised that the territories he controlled would be left alone if he did so. The King failed to heed the warning. He attacked Israel, and in the ensuing fighting lost East Jerusalem and the West Bank.

When the holy city was reunified after the war, Israel, under Labor Party leadership at the time, declared that Jerusalem will remain undivided forever as Israel's capital and that all people will have free access to their holy places. All people of all faiths are welcome to worship in the holy city. Former Israeli Foreign Minister Shimon Peres said it this way: "Jerusalem is closed politically and open religiously. This mean that it will remain unified, and only as Israel's capital, not two capitals. It will remain under Israeli sovereignty."

I agree with Shimon Peres. Jerusalem is, and should remain, a united city—the capital of Israel. I urge the immediate adoption of this resolution. As the 1995 act did before, Senate Concurrent Resolution 21 will send a principled and constructive signal to all the parties in the Arab-Israeli negotiations that the United States recognizes Jerusalem as the capital of Israel.

Mr. BRYAN. Mr. President, I rise today to join my colleagues in observing the 30th anniversary of the reunification of the city of Jerusalem. Although the modern State of Israel was founded almost 50 years ago, in 1948, the city of Jerusalem was at that time still divided between Israel and Jordan, and its holy sites were not open to all religious groups. After Jerusalem became one again in 1967, these important historical and religious sites were opened to Christians, Jews, Muslims, and all others who wished to worship or simply spend some time in the Old City or at the Western Wall.

I have long supported an undivided Jerusalem in which the rights of every ethnic and religious group will be protected and respected. Jerusalem is not only the capital of Israel, but also the home of more than 40 Christian denominations and the home of the Moslem religion. It is imperative that we work to preserve this city's unity and prevent any actions that would threaten this status. At the same time, we must ensure that our efforts to maintain unity in the holy city do not divide those working toward a lasting peace in the Middle East. Jerusalem is holy to many people in many different ways, and its future has understandably been a sensitive issue in the ongoing peace process. Unfortunately, some have used the issue of a unified Jerusalem to divide those who share in the city's heritage. Our support today for unity in Jerusalem does not in any way detract from our support for peace in the Middle East. The peace process, with our unqualified support, must move forward.

In closing, Mr. President, I simply wish to restate my support for a unified Jerusalem that is open to all those

who wish to visit its historical and spiritual sites. It is fitting that the Senate takes a moment to reflect upon the importance of Jerusalem as a symbol to people of diverse faiths and as a unified city open to all. Mr. President, I yield the floor.

Mr. SPECTER. Mr. President, I have sought recognition today to commemorate the 13th anniversary of the reunification of Jerusalem during the Six-Day War. I congratulate the residents of Jerusalem and the people of Israel on this important anniversary day.

On June 5, 1967, the Israelis responded to threats from their Arab neighbors and 6 days later the war ended with a reunified Jerusalem that once again gave Jews access to the old city and its holy sites. Some called this unexpected price of war a miracle; it is indeed an issue of great importance for the Jewish people.

Jerusalem holds a special place in Jewish history. Since King David, Jerusalem has been at the center of Jewish traditions and the very core of Jewish faith. The very city itself, not just the sites of religious significance, is considered hallowed by those of the Jewish faith. This issue has personal significance to me as well, as members of my own family live and worship in Jerusalem.

Jews have long been the majority of residents of Jerusalem. However, Jerusalem is not only important for the Jewish faith, but for Islam and Christianity as well. I am a cosponsor of the sense-of-the-Congress resolution that recognizes the significance of a unified Jerusalem to the people of Israel and reiterates the Senate's position that Jerusalem must remain an undivided city in which the rights of every ethnic and religious group are protected.

This resolution also calls on the President to publicly affirm as a matter of United States policy that Jerusalem must remain the undivided capital of Israel. Since coming to the Senate, I have supported initiatives that recognize Jerusalem as the capital of Israel. I also supported the Jerusalem Embassy Relocation Implementation Act of 1995, legislation that will move the United States Embassy in Israel to Jerusalem. I will continue to work to ensure that never again will access to the old city and its holy sites be denied to Jews or to persons of any faith.

Mr. President, I join my colleagues on this momentous day in celebrating the triumph of Israel in the Six-Day War and the reunification of Jerusalem.

Mr. KENNEDY. Mr. President, I join my colleagues in paying tribute to the nation of Israel and its courageous people on the 30th anniversary of the reunification of Jerusalem.

Today, this remarkable city, with its proud history in both the ancient and the modern worlds, stands as a center of diverse religious and cultural interests. Three of the world's great religions—Christianity, Islam, and Judaism—consider Jerusalem to be a holy city, and all three have holy sites in the city.

In 1967, following 20 years of division, Israel reunited Jerusalem during the course of its heroic victory in the Six-Day War. As the capital of Israel, Jerusalem today is a haven for persons of all ethnic and religious groups. As we join in commending Israel on this important anniversary, we also reaffirm our commitment to an undivided Jerusalem.

Mr. HATCH. Mr. President, 30 years ago a singular, unexpected and startling event reshaped the world. I am referring to the conclusion of the Six-Day War of 1967, when the young Jewish state was faced with the amassed forces of the Arab world, bent on its destruction. Israel prevailed against all odds and concluded the short but bloody war with the victorious forces of Israel reclaiming and reuniting the holy city of Jerusalem.

It was the first time since the fall of Jerusalem in 70 C.E. that the city was entirely in Jewish hands. One of the accounts of the first paratroopers and soldiers to reach the wall spoke of Gen. Shlomo Goren, then the chief rabbi of the Israeli Army, who raced to join the first to reach the wall. Last week's Jerusalem Post recounted that he was armed only with a Bible and a shofar, and that as they ran through the narrow streets of Old Jerusalem

> Goren did not stop blowing the shofar and reciting prayers. His enthusiasm infected the soldiers, and from every direction came cries of "Amen!" The paratroopers burst out in song.

The Jewish author Abraham Joshua Heschel wrote movingly of this pivotal event:

> In its solitude the Wall was forced into the role of an unreachable tombstone for the nameless dead. Suddenly the Wall, tired of tears and lamentations, became homesick for song. "O Come, let us sing to the Lord, let us chant in joy to the rock of our salvation!" (Psalm 95:1) It will be called the Rejoicing Wall.

It was the first time since the partition of Jerusalem that Jews could pray at the Western Wall. In fact, after the Israeli paratroopers and soldiers liberated the city, many flocked to the wall even before the mines left by the Jordanians had been removed. A few days later, the headline of the Jerusalem Post read: "200,000 at Western Wall in first pilgrimage since Dispersion".

Heschel wrote:

> July, 1967 * * * I have discovered a new land. Israel is not the same as before. There is great astonishment in the souls. It is as if the prophets had risen from their graves. Their words ring in a new way. Jerusalem is everywhere, she hovers over the whole country. There is a new radiance, a new awe.

Mr. President, the conclusion of this war had profound geopolitical consequences—for the Mideast, and for the world, as the superpowers responded to the consequences of the defeat of the Arab armies. The Soviets increased their support to the Arab regimes intent on revenge, including the virulently anti-Israel governments of Saddam Hussein and Hafez Assad who came to power over the next couple of years. The United States, quick to recognize Israel's declaration of independence almost 20 years before, stood by our democratic friend, as we would during the Yom Kippur War 6 years later, and as we have ever since.

But there was consequences even more profound than the geopolitics. The city of David was in Jewish hands. Whereas the Jewish graves and synagogues had been desecrated since the partitioning in 1948, Israel opened the city to the faithful of the three monotheistic religions. The Muslim leaders retained control of al-Aqsa Mosque and the Dome of the Rock. Hundreds of thousands of Muslims and Christians have joined Jews since then in pilgrimages to holy Jerusalem. Jerusalem today is a city for all faithful.

It is also, as so befits the sadness of this bloody 20th century, the center of unresolved political disputes.

Mr. President, if you look back at the history of the 1967 war, you see that among the Israeli leadership, the possibility of exchanging land for a permanent peace was being considered within days after the Six-Day war. This was a radical notion in that part of the world—and the years it took before the Sinai was returned was a necessary period when facing hostile regimes on every border of a narrow state. But Israel has always demonstrated its willnessness—in fact, its insistence—on cohabiting in the region, and cooperating to do so—as long as its sovereignty and right to exist are recognized. These notions were at the heart of an unformulated peace process then as they are in a more formal peace process now.

It is up to the democratically elected government of Israel to determine the direction and content of that process today, as it is up to Israel's Arab neighbors to accept the reality of the Jewish state.

But one issue has been left more muddled than it should be: the status of Jerusalem. This issue has been debated on this floor for over a decade. I believe that Jerusalem is the capital of Israel, and I have joined many colleagues in expressing that it should be the policy of the United States to recognize Jerusalem as the undivided capital of Israel, and to cease the artificial posturing that has kept our Embassy in Tel Aviv. This is what we declared when we passed the Jerusalem Embassy Act of 1995, and what we reiterated in our recent resolution, Senate Concurrent Resolution 21, congratulating the residents of Jerusalem on the 30th anniversary of reunification.

With these acts, Congress recognized a geopolitical reality. There are times when doing so can enhance the management of peace, by declaring, once and for all, what are the feasible parameters of a negotiated peace. These acts of Congress were such times. If the peace process continues, it will progress more certainly on solid ground. I continue to encourage the administration to join us in correcting a diplomatic anomaly that we have visited on our closest ally in the Middle East for too long.

Mr. President, I offer my deepest congratulations to the residents of Jerusalem, to the citizens of Israel, and to all who appreciate the peace and openness that has reigned over that city since it was reunited 30 years ago.

Ms. LANDRIEU. Mr. President, I rise today to celebrate the 30th anniversary of the reunification of Jerusalem and support the resolution offered by my distinguished colleagues from New York and Florida in marking this auspicious occasion. Psalm 122 admonishes us to "pray for the peace of Jerusalem." This biblical verse is as apt now, on the 30th anniversary of the Holy City's reunification, as it was 3,000, years ago.

Jerusalem knew little peace in the 19 years before 1967. The end of Israel's War of Independence left an obscene no-man's land of barbed wire, tank traps, sniper posts, and minefields. Israel's former adversary left almost no vestige of Jewish history in the historic old city untouched, including the destruction of 58 synagogues; Jewish gravestones from the Mount of Olives were used to build roads and latrines for occupying troops.

Mr. President, Israel's foes had as much regard for the rights of religious pilgrims as they did for religious sites: Jews could not visit the Western Wall, and Israeli Muslims were denied access to the Dome of the Rock and the Al Aqsa mosque. During the occupation, the Christian population of Jerusalem declined from 25,000 to 10,000.

On the morning of June 7, 1967, our entire world changed. Israeli commandos stormed through St. Stephen's Gate on the northeast side of the old city walls and took control over the old city and its centerpiece, the Temple Mount. They discovered that occupying troops had used the Temple Mount area, including the Dome of the Rock and the Al Aqsa mosque, as a huge ammunition dump. Mr. President, what might have happened if the ammunition would have exploded, destroying the Temple Mount and perhaps the nearby Church of the Holy Sepulcher? How great would our spiritual loss have been?

For the first time since the Romans leveled the city in AD 70, Jews controlled the Western Wall—the surviving remnant of Herod's Temple.

Mr. President, shortly after the end of the Six Day War, Israel did something astonishing for a victorious power. Israeli officials assured Arab leaders that the Muslims would keep control of the Islamic holy places on the Temple Mount. That inspired decision began Jerusalem on the road to reunification and began to heal the wounds of centuries.

Mr. President, I traveled to Israel with my father when I was 21 and saw a city transformed from that which had seen pain and anguish for thousands of years. Where barbed wire and armed soldiers had once stood was a magnificent area of trees and grass that now surrounds the renovated walls of the old city. I saw a rebuilt Jewish Quarter in the old city. But Mr. President, most importantly, I saw for myself that free and open access to their holy places for people of all faiths was not merely the goal in Jerusalem, it was the rule.

The city's parks were revitalized. Schools and museums and hospitals sprang up. Music and poetry once again rose into Israel's evening sky. The people came together as artists, architects, lawyers, and theologians in an effort that resulted in a city that no longer just survived but lived and breathed. The Talmud proclaims that "of the 10 measures of beauty that came down to the world, Jerusalem took nine." Mr. President, for the first time since those prophetic words were first formed, those "measures of beauty" saw the light of day.

Mr. President, the question that those brave, industrious people tried to answer is one that we still ask today: How can Jerusalem, which means "city of peace," an ancient symbol of humanity's aspirations for redemption, become a living city that does not betray the promise of its name? An answer tragically eludes us, still today, 30 years after Jerusalem's reunification.

The United States Congress has a long-standing commitment to a united Jerusalem governed by Israel. Seven years ago, Congress declared that Jerusalem "must remain an undivided city" and the Jerusalem Embassy Act of 1995 unequivocally stated that Jerusalem should remain the undivided capital of Israel as a matter of U.S. policy. The resolution introduced by my friends Senator MOYNIHAN and Senator MACK clearly expresses our conviction that it should be so.

Mr. President, it is said that "one prayer in Jerusalem is worth 40,000 elsewhere." This resolution offers the voice of Congress to those voices coming from all over our Nation and the world praying for peace and prosperity for this most special city of all cities on this truly important day.

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

AUTHORITY FOR RECORD TO REMAIN OPEN UNTIL 5 P.M.

Mr. LOTT. Mr. President, I ask unanimous consent that the Record remain open until 5 p.m. today for Members to submit statements or for the introduction of legislation.

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

UNANIMOUS-CONSENT REQUEST—S. 419

Mr. LOTT. Mr. President, I ask unanimous consent that at the hour of 2 p.m., the Labor Committee 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 be in order to be offered by Senator BOND; that no other amendments be in order to the bill; and that 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. 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 vote on passage of the bill, as amended, with no intervening action or debate.

Mr. DASCHLE. Mr. President, reserving the right to object, the majority leader propounded a similar unanimous-consent request yesterday. As he recalls, I noted that we have not seen the amendment proposed by Senator BOND, nor has this legislation had the opportunity to be the subject of hearings or markup in the committee. Most importantly, however, since we still have not been able to resolve the matter pertaining to disaster relief, I am compelled to object.

The PRESIDING OFFICER. Objection is heard by the Chair. The majority leader is recognized.

UNANIMOUS-CONSENT REQUESTS—SUPPLEMENTAL APPROPRIATIONS BILL AND AUTHORITY FOR COMMITTEE TO MEET

Mr. LOTT. Mr. President, I ask unanimous consent that at the hour of 2:05 p.m., the Senate begin 3 hours 55 minutes for debate only, to be divided equally between the two leaders or their designees, for discussions with respect to the supplemental appropriations bill, and that there be no motions in order during the approximately 4 hours of debate, other than a motion to adjourn by the majority leader or his designee.

I further ask unanimous consent that it not be in order for the Chair to entertain any unanimous-consent requests with respect to consideration of

any supplemental appropriations bill during the 4-hour period described above.

And, finally, I ask unanimous consent that the Armed Services Committee be permitted to meet during the session of the Senate today, Wednesday, June 11.

In support of that unanimous-consent request, before the Chair puts the request, I would just like to observe that I know there are Senators who would like to be heard on this issue, on the supplemental appropriations bill, about what is in it, the importance of it, how it can be resolved, comments on language that is included, a whole variety of statements that I am sure Senators would like to make to show their interest in and their suggestions as to how we deal with the supplemental appropriations bill. So I think to have 4 hours of debate makes good sense for the Senate to be able to hear what Senators have to say.

I also indicate to our colleagues that there are a lot of discussions underway, a lot of meetings underway. Today, we have been in direct contact with the White House on how some of these issues can be resolved. I have had conversations with Senator DASCHLE. We are communicating with the House leadership to see exactly how they plan to proceed and when that would be. I understand perhaps there is a meeting right now at the White House on some of the provisions of this issue. So I think and I hope that we are making some progress and that we can find some way to bring this issue to fruition in the next few hours. Hopefully, we can have some action on it before we go out this week.

But I think while we are doing that, we should be doing the business of the Senate, having hearings or markups in committees, particularly the Armed Services Committee, which is working on the defense authorization bill which we hope to have up next week in the Senate, and also so that we can continue our efforts to come to an agreement on how we deal with the supplemental appropriations, the Government shutdown provision language, the census language, to try to see how we can work out an agreement and what that language might be. It is very important we have an opportunity to do that this very afternoon. That is why I make the request. I urge it be considered and that it not be objected to.

Mr. DASCHLE. Mr. President, reserving the right to object.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. Reserving the right to object.

The PRESIDING OFFICER. The minority leader is recognized.

Mr. DASCHLE. I concur with the distinguished majority leader about the efforts now underway and his hope and expectation that at some point these efforts could lead to further success in resolving the impasse that we have faced now for some time. I appreciate his leadership and his personal involvement in making that effort.

I also have to note that there are many on our side of the aisle who have indicated strong objections to committees meeting during such time, so as not to lose the focus that we currently have. There are those who are involved in these efforts who need to be at these committee markups who would otherwise be occupied if they are prevented from participating in the discussions involving the disaster assistance legislation.

I would amend the unanimous-consent request propounded by the majority leader simply to suggest and propose a unanimous-consent agreement that would allow debate on the floor on the supplemental, with debate equally divided with no further consent requests, presuming Senator DORGAN, of course, has had his opportunity to make a request, but that there be no committee meetings.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Mr. President, was there an objection to my request?

The PRESIDING OFFICER. The Chair heard objection early on.

Mr. LOTT. And you added a request of your own. Let me make sure I understand what it is. First, you are objecting to committee meetings, but you are asking consent that we take up what?

Mr. DASCHLE. That we have, as you suggested, debate on the Senate floor on the supplemental divided evenly for the next 4 hours, as the majority leader suggested.

Mr. LOTT. What supplemental is that?

Mr. DASCHLE. It would be the subject of the debate as you have proposed, as the majority leader has proposed. You had asked unanimous consent that there be debate only equally divided between the two leaders for discussions with respect to the supplemental appropriations bill. I am not suggesting we change that. I am simply saying let's keep our focus on that, and I would not object to a request that involved a discussion as the majority leader has proposed.

Mr. LOTT. Mr. President, I believe I would object to that, but I have a counterproposal maybe we could consider. I do want to note also that the Finance Committee has requested consent to meet this afternoon, also to begin the process of markup on the reconciliation bill, which is required under the budget agreement. I believe it is going to be pretty bipartisan in its makeup, in terms of the spending provisions or the restraint on spending, whichever the case may be. And in order to have this legislation completed in the Finance Committee by, I believe it is the 18th of this month, we need to have them meeting.

But I ask unanimous consent, sort of in the vein of what Senator DASCHLE was talking about, that the Senate now proceed to the consideration of Calendar No. 18, H.R. 581; and further, no amendments be in order, with the exception of one substitute amendment to be offered by the majority leader or his designee; that there be 1 hour total for debate on the bill and the amendment, to be equally divided in the usual form; and finally, that following the expiration or yielding back of time and the disposition of the substitute amendment, the bill be read a third time and the Senate proceed immediately to vote on passage of the bill, as amended, if amended, with no intervening action or debate.

The PRESIDING OFFICER. The Chair heard objection to the unanimous-consent request by the minority leader. We now have before us a unanimous-consent request by the majority leader. Is there objection?

Mr. DASCHLE. Reserving the right to object, I ask the majority leader if he could share a copy of the substitute amendment referred to in the unanimous-consent request.

Mr. LOTT. I don't have one now, but I believe that during this time, while we are debating the issue, we could develop one and, as a matter of fact, I believe there is a meeting at the White House right now that would be the subject of this substitute and one we could agree on.

Or I could do it this way. What I suggested yesterday, and where I think we actually should go, is a bill that provides the actual emergency disaster funds and the funds for DOD, but not the language and not the supplemental, just what has been referred to as a narrow disaster and emergency funding bill only, and the amount I am thinking about would be in the range of $3.9 billion. That way, we would get this issue resolved quickly while we continue to work on such things as the census language, where we hope and think maybe we can come to some agreement. We get this thing done; we get it done now.

The House traditionally, as you very well know, is very sensitive about us acting before they do, but we could go ahead and have debate on this and take some action and hold it at the desk. I think this is one way to deal with this emergency. How would the Senator react to that?

Mr. DASCHLE. As I reiterated, again, this morning to the distinguished majority leader, I am more than happy to look at the language that he suggests. I think there may be a way to accommodate just the emergency and all related legislative proposals in the supplemental dedicated to dealing with the disasters throughout the country, emergency or whatever related matters those may be.

Obviously, we would have to see the language before we agreed to any kind of procedural commitment that would allow consideration of this yet unseen proposal.

So we would not be in a position right now, as the majority leader certainly understands, to agree to a unanimous-consent proposal until we have had the opportunity to see the language. But I think the majority leader is on the right track. And if that will break the impasse, I am willing to look at it.

Mr. LOTT. I appreciate the Democratic leader's comments on that. I hope that if we cannot find some other way to resolve the disagreements between now and 2 o'clock tomorrow, that he and I will consult maybe about the idea of doing just this tomorrow. And I do not want in any way to dampen the efforts that are underway to come to a broader total agreement. But in order to get this emergency addressed this week—hopefully within the next 24 hours—I think this is the way that we want to consider doing it.

I hope you will think about that between now and tomorrow and let us look at that as a possibility of what we might do at 2 o'clock tomorrow if something else has not already been worked out.

I again thank the Senator for his comments.

Mr. President, in view of the objection and the interests that we have, the committees meetings, the Finance Committee, the Armed Services Committee, the urgency of the work they are doing, 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. 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.

RECESS

Mr. LOTT. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 6 p.m.

The PRESIDING OFFICER. Is there objection?

Mr. LOTT. Before the Chair puts the question, I say to the Democratic leader, I made the request that we recess until the hour of 6 p.m. He is putting the question. I wanted to make sure you heard.

The PRESIDING OFFICER. Is there objection?

Mr. DASCHLE. No objection.

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

Thereupon, at 2:19 p.m., the Senate recessed until 6 p.m.; whereupon, the Senate reassembled when called to order by the Presiding Officer (Mr. McCAIN).

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 the 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.)

MESSAGES FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 848. An act 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.

H.R. 1184. An act 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.

H.R. 1217. An act to extend the deadline the Federal Power Act for the construction of a hydroelectric project located in the State of Washington, and for other purposes.

The message also announced that the House agrees to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 60. Concurrent resolution relating to the 30th anniversary of the reunification of the city of Jerusalem.

MEASURES REFERRED

The following bills were read the first and second times by unanimous consent and referred as indicated:

H.R. 848. An act 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; to the Committee on Energy and Natural Resources.

H.R. 1184. An act 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; to the Committee on Energy and Natural Resources.

H.R. 1217. An act 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; to the Committee on Energy and Natural Resources.

MEASURE PLACED ON THE CALENDAR

The following measure was placed on the calendar:

H. Con. Res. 60. Concurrent resolution relating to the 30th anniversary of the reunification of the city of Jerusalem.

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–2106. 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 97–25, received on June 9, 1997; to the Committee on Finance.

EC–2107. A communication from the Acting General Counsel, Department of Energy, transmitting, pursuant to law, a rule amending the State Energy Program (RIN 1904–AA81), received on June 4, 1997; to the Committee on Energy and Natural Resources.

EC–2108. A communication from the Secretary of Veterans' Affairs, transmitting, a draft of proposed legislation entitled "Veterans' Housing Loan Improvements Act of 1997"; to the Committee on Veterans' Affairs.

EC–2109. A communication from the Acting Associate Deputy Administrator for Government Contracting and Minority Enterprise Development, U.S. Small Business Administration, transmitting, pursuant to law, a report entitled "Minority Small Business and Capital Ownership Development"; to the Committee on Small Business.

EC–2110. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation concerning the production of 141 F–2 Combined Interrogator/Transponder (CIT) IFF Systems; to the Committee on Foreign Relations.

EC–2111. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to law, two reports concerning agreements between the U.S. and Tanzania for Global Learning and Observation to Benefit the Environment; to the Committee on Foreign Relations.

EC–2112. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, a draft of proposed legislation concerning the Integrated Full Face Helmet in Germany; to the Committee on Foreign Relations.

EC–2113. A communication from the Assistant Secretary of Legislative Affairs, Department of State, transmitting, pursuant to law, a certification license concerning the export of defense articles or defense services, received on May 29, 1997; to the Committee on Foreign Relations.

EC–2114. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report concerning The Foreign Agents Registration Act; to the Committee on Foreign Relations.

EC–2115. A communication from the Assistant General Counsel, U.S. Information Agency, transmitting, pursuant to law, a report of a rule concerning the Immigration and Nationality Act on the behalf of aliens as amended, received on May 22, 1997; to the Committee on Foreign Relations.

EC–2116. A communication from the Administrator, Department of Transportation, transmitting, pursuant to law, a report concerning European and Australian offset crash tests; to the Committee on Appropriations.

EC–2117. A communication from the Director of the Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services,

transmitting, pursuant to law, a report of a rule concerning Polydextrose, received on June 10, 1997; to the Committee on Labor and Human Resources.

EC–2118. A communication from the Director of the Policy Management Staff, Office of Policy Food and Drug Administration, Department of Health and Human Services, transmitting, pursuant to law, a report of a rule concerning Menhaden Oil, received on June 10, 1997; to the Committee on Labor and Human Resources.

EC–2119. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report on a rule concerning protecting animals in the U.S. from diseases, received on June 5, 1997; to the Committee on Labor and Human Resources.

EC–2120. A communication from Assistant General Counsel for Regulations, Department of Education, transmitting, pursuant to law, a notice concerning final funding priorities administered by (OSERS); to the Committee on Labor and Human Resources.

EC–2121. A communication from the Inspector General of the Department of Health and Human Services, transmitting, pursuant to law, the audit report required under the Superfund Amendments and Reauthorization for fiscal year 1995; to the Committee on Environment and Public Works.

EC–2122. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule relative to Endangered Status (RIN 1018–AC19) received on June 10, 1997; to the Committee on Environment and Public Works.

EC–2123. A communication from the Acting Deputy Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule relative to endangered status (RIN 1018–AD52) received on June 10, 1997; to the Committee on Environment and Public Works.

EC–2124. A communication from the General Counsel of the Department of Transportation, transmitting, pursuant to law, a rule relative to truck size and weight (RIN 2125–AE04) received on June 5, 1996; to the Committee on Environment and Public Works.

EC–2125. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, seven rules including a rule relative to Approval and Promulgation of Implementation Plans (FRL–5836–8, 5836–2, 5836–6, 5834–4, 5835–4, 5832–2, 5835–8) received on June 5, 1997; to the Commmittee on Environment and Public Works.

EC–2126. A communication from the Director of the Office of Regulatory Management and Information, Environmental Protection Agency, transmitting, pursuant to law, three rules including a rule relative to Approval and Promulgation of Implementation Plans (FRL–5839–7, 5839–6, 5840–8) received on June 9, 1997; to the Commmittee on Environment and Public Works.

EC–2127. A communication from the Acting Director of the Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, a rule relative to endangered status (RIN1018–AC52) received on June 10, 1997; to the Committee on Environment and Public Works.

EC–2128. A communication from the Administrator of the Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, a rule relative to melons, received on June 6, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2129. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to viruses, serums, toxins and analogous products, received on June 9, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2130. A communication from the Congressional Review Coordinator of Animal and Plant Health Inspection Service, Marketing and Regulatory Programs, Department of Agriculture, transmitting, pursuant to law, a rule relative to approved treatments, received on June 5, 1997; to the Committee on Agriculture, Nutrition, and Forestry.

EC–2131. A communication from the Chairman of the Securities and Exchange Commission, transmitting, pursuant to law, the report of the Securities Investor Protection Corporation for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2132. A communication from the Chairperson of the Appraisal Subcommittee of the Federal Financial Institutions Examination Council, transmitting, pursuant to law, the annual report for calendar year 1996; to the Committee on Banking, Housing, and Urban Affairs.

EC–2133. A communication from the Attorney-Advisor of the Federal Housing Finance Board, transmitting, a notice relative to the rule entitled "Community Support Requirements"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2134. A communication from the Chairman of the Board of Governors of the Federal Reserve System, transmitting, pursuant to law, the report on retail fees and services of depository institutions; to the Committee on Banking, Housing, and Urban Affairs.

EC–2135. A communication from the Attorney-Advisor of the Federal Housing Finance Board, transmitting, a notice relative to the rule entitled "Technical Amendment to Definition of Deposits in Banks or Trust Companies"; to the Committee on Banking, Housing, and Urban Affairs.

EC–2136. A communication from the Assistant Secretary for Environmental Management, Department of Energy, transmitting, pursuant to law, the report on the reduction of environmental hazards and contamination resulting from defense waste for fiscal year 1996; to the Committee on Armed Services.

EC–2137. A communication from the Deputy Under Secretary of Defense (Environmental Security), transmitting, pursuant to law, the fiscal year 1996 Defense Environmental Quality Program report; to the Committee on Armed Services.

EC–2138. A communication from the Secretary of Defense, transmitting, notices relative to retirements; to the Committee on Armed Services.

EC–2139. A communication from the Director of the Office of Small and Disadvantaged Business Utilization, (Acquisition and Technology) Under Secretary of Defense, transmitting, pursuant to law, the report on small disadvantage business, historically Black colleges and universities, and minority institutions; to the Committee on Armed Services.

EC–2140. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, the report of a study relative to outsourcing; to the Committee on Armed Services.

EC–2141. A communication from the Secretary of Energy, transmitting, pursuant to law, a report entitled "Federal Government Energy Management and Conservation Programs, Fiscal Year 1995"; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–131. A resolution adopted by the Roane County (Tennessee) Commission relative to the National Spallation Neutron Source; to the Committee on Commerce, Science, and Transportation.

POM–132. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on Banking, Housing, and Urban Affairs.

HOUSE CONCURRENT RESOLUTION 109

Whereas, To ensure the prudent use of tax dollars designated for disaster assistance, the federal Flood Disaster Protection Act of 1973 mandates the purchase of flood insurance as a condition of receipt of federal or federally related financial assistance for the acquisition or construction of buildings in Special Flood Hazard Areas (SFHAs); and

Whereas, the Act prohibits federal agencies such as the Federal Housing Administration, the Veterans Administration, the Small Business Administration, and any federally regulated lending institution from making or guaranteeing a loan for a building in an SFHA unless flood insurance has been purchased; additionally, it is standard practice for most mortgage companies to require flood insurance on property in designated flood zones as a condition of a loan; and

Whereas, The Federal Emergency Management Agency (FEMA), the entity responsible for designating and mapping flood risk zones, uses several criteria to establish floodplain classifications, including a community's historical flood and hydrology data, flood control measures, existing and planned development, and topography; and

Whereas, For many communities in Texas, the flood insurance requirement is determined using maps that may have been drawn as far back as the 1970s or early 1980s; these dated flood maps do not accurately reflect changes in population, development, or flood control or storm sewer improvements that a community may have implemented to reduce the risk of flooding; and

Whereas, A glaring example of this problem is the City of Laredo, where residents and business owners are required to purchase flood insurance based on FEMA-designated flood zone maps drawn in 1982; and

Whereas, During the past decade, the City of Laredo has constructed numerous concrete channels to divert flood waters and has made storm sewer improvements to help reduce the risk of flood; these projects have been carried out to accommodate the rapid population growth in the city, which has tripled in size over the last 15 years; and

Whereas, The result of federally mandated flood insurance requirements based on outdated maps has created a windfall for insurance companies, which are collecting millions of dollars in flood insurance from people who no longer live in flood zones: Now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby urge the Congress of the United States to request that the Federal Emergency Management Agency update community flood maps every 10 years; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and president of the senate of the United States Congress, and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–133. A resolution adopted by the Senate of the Legislature of the State of Oregon; to the Committee on Energy and Natural Resources.

SENATE RESOLUTION 3

Whereas the State of Oregon owns the water resources within the state's rivers, streams and lakes; and

Whereas the State of Oregon has authorized and allowed for the acquisition of the right to the use of water for beneficial purposes and any person may perfect such water right as a vested property right under Oregon law; and

Whereas chapter 228, Oregon Laws 1905, specifically authorized appropriation of water for use in projects authorized under the Federal Reclamation Act of 1902; and

Whereas chapter 5, Oregon Laws 1905, specifically authorized the use of the bed of the Upper Klamath Lake for the storage of water for reclamation and irrigation use and for no other purpose; and

Whereas the Klamath Project was authorized and constructed pursuant to the laws of the states of Oregon and California and the United States; and

Whereas pioneers, settlers, homesteaders and veterans of two world wars, by their industry and commitment, have made the farmland in the Klamath Project enormously productive and a valued part of the economy and culture of the states of Oregon and California; and

Whereas water has been appropriated to beneficial use within the Klamath Project in Oregon and California for irrigation of approximately 230,000 acres; and

Whereas irrigators within the Klamath Project have acquired rights to the use of waters of the Klamath River for irrigation, and these rights are recognized and confirmed in the Klamath River Basin Compact, ratified by the states of Oregon and California and consented to by Act of Congress in 1957; and

Whereas the State of Oregon has the legal authority to quantify and regulate rights to the use of water in Oregon; and

Whereas the State of Oregon has undertaken to adjudicate certain rights to the use of the Klamath River and its tributaries; and

Whereas the United States Court of Appeals has confirmed, over the objection of the United States Department of the Interior, that the State of Oregon has the right and responsibility to determine and administer the rights of claimants to the use of the Klamath River and its tributaries; and

Whereas the United States Department of the Interior has directed and proposes to direct the operation of Klamath Project facilities to allocate water to purposes other than irrigation, including instream purposes and instream uses in California; and

Whereas the Department of the Interior has used and proposes to use the bed of Upper Klamath Lake for the storage of water for purposes other than irrigation, in contravention of the limited authority granted by the State of Oregon; and

Whereas the Department of the Interior purports to have the authority to administratively determine and allocate the water of Oregon and to allocate water away from authorized Klamath Project irrigation uses; and

Whereas the position of the State of Oregon is that the Department of the Interior lacks authority to allocate water or reallocate Klamath Project water supplies and the administration of water must proceed in a manner consistent with Oregon's system for the administration of water rights; and

Whereas the Department of the Interior has failed and refused to address legitimate, fair and fundamental questions concerning its authority and actions; and

Whereas the Department of the Interior has failed and refused to protect the rights of the water users in the Klamath Project vis a vis the thousands of junior users in the Klamath watershed, and has instead proposed only to reallocate water used in the Klamath Project to other users and uses; and

Whereas the actions of the Department of the Interior have resulted in division, distrust and anger; and

Whereas it is desirable and in the interests of the State of Oregon that the rights and interests of the Klamath Project irrigators and Oregon's system for the allocation and administration of water rights be respected; now, therefore,

Be It Resolved by the Senate of the State of Oregon:

(1) The President and the Congress of the United States are respectfully urged to:

(a) Act to ensure the protection and respect for the State of Oregon's authority to allocate water and to determine and administer rights to the use of water; and

(b) Ensure that the United States Department of the Interior and other federal agencies do not operate or direct the operation of Kamath Project facilities except in accordance with the State of Oregon's system for the determination and administration of water rights and to ensure, at a minimum, that the priority of rights in the Klamath Project to the use of Klamath River water is enforced and protected.

(2) A copy of this resolution shall be sent to the President of the United States, the Secretary of the United States Department of the Interior, the President of the Senate and the Speaker of the House of Representatives of the United States and to each member of the Oregon Congressional Delegation.

POM–134. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

HOUSE CONCURRENT RESOLUTION 94

Whereas, The American people have been threatened by terrorists' actions against citizens, government, and private property, with many of these terrorist activities being carried out with explosive materials; and

Whereas, In passing the Antiterrorism and Effective Death Penalty Act of 1996 (Pub. L. No. 104–132), the United States Congress closed several loopholes in the effective administration of justice against terrorist activities; in particular, mandating that the Bureau of Alcohol, Tobacco, and Firearms (BATF) conduct a study on the feasibility of tagging, or rendering inert, several products related to the production of explosive materials; and

Whereas, The same act of congress also required the use of detection agents in plastic explosives, increased penalties for conspiracies involving the use of explosives, and provided assistance to law enforcement personnel to combat the threat of terrorism both domestically and abroad; and

Whereas, The Legislature of the State of Texas is aware of the research and implementation efforts of other countries that may provide useful information to protect lives and property through the careful and successful use of taggants; and

Whereas, The BATF is being assisted in its effort to study the technical options and feasibility by the National Research Council (NRC), and to provide this assistance, the NRC has established a "Committee on Marking, Rendering Inert, and Licensing of Explosive Materials"; now, therefore, be it

Resolved, That the 75th Legislature of the State of Texas hereby commend the United States Congress for recognizing the threat to public health and security from the misuse of explosives; and, be it further

Resolved, That the legislature pledge its full support to the efforts now underway by the BATF and the NRC to study the economic, practical, and technical feasibility of tagging, or otherwise rendering inert, explosive materials; and, be it further

Resolved, That the legislature strongly support the active participation of stakeholder interests, including representatives of affected manufacturers and law enforcement personnel, in the conduct of the BATF and NRC studies; and, be it further

Resolved, That the legislature urge the participants of the NRC study to carefully consider the experiences of other countries and how those experiences may relate to the NRC study; and, be it further

Resolved, That the legislature looks forward to the results of the BATF and NRC studies, both the interim report, which is due April 1997, and the final report, which is due February 1998, to advise the State of Texas in establishing reasonable and effective controls on explosive materials and thereby contribute to the enhanced protection of all Texans; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, to the speaker of the house of representatives and the president of the senate of the United States Congress, and to all the members of the Texas delegation to the congress with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–135. A concurrent resolution adopted by the Legislature of the State of Texas; to the Committee on the Judiciary.

SENATE CONCURRENT RESOLUTION 32

Whereas, The south bank of the Red River constitutes the boundary between the states of Texas and Oklahoma; and

Whereas, The exact determination of where the south bank of the Red River is located is extremely difficult to ascertain and subject to widely divergent opinion; and

Whereas, The south bank of the Red River is not a permanent location, but is constantly changing; and

Whereas, The federal government claims ownership of the south half of the Red River within a 116-mile stretch between the 98th Meridian and the mouth of the North Fork of the Red River; and

Whereas, The Kiowa, Comanche, and Apache tribes claim entitlement to 62½ percent of the revenues derived from oil and gas production from these lands; and

Whereas, The changing location of the south bank and the difficulty in determining its location at any given time have created problems in the enforcement of laws, collection of taxes, economic development, and the establishment of property ownership; and

Whereas, It is to the mutual advantage of the states of Texas and Oklahoma to agree on and establish a practicable boundary between both states; and

Whereas, By House Concurrent Resolution 128, Acts of the 74th Legislature, the Texas Red River Boundary Commission was created; and

Whereas, The term of the commission expires on June 30, 1998; and

Whereas, The states of Texas and Oklahoma are working together to adopt a boundary compact to present to their respective legislatures; and

Whereas, If the Texas Red River Boundary Commission is unable to reach a boundary agreement with the Oklahoma Red River Boundary Commission on or before June 30, 1998, the work of the commission will be lost; and

Whereas, It is to the benefit of the citizens of Texas to extend the term of the Texas commission and enable it to continue its work toward a joint boundary resolution; now, therefore, be it

Resolved by the 75th Legislature of the State of Texas, That the term of the Red River Boundary Commission is hereby extended to June 30, 2000; commission members, not to exceed 17 in number, shall be appointed by the governor; the commissioners shall be representative of private property owners, local government elected officials, mineral interests, and the general public; such members shall serve without compensation, except for reasonable travel reimbursement; staffing for this commission shall be provided by the General Land Office, the Office of the Attorney General, and the Texas Natural Resource Conservation Commission; and, be it further

Resolved, That the chairman shall be appointed by the governor; and, be it further

Resolved, That it shall be the duty of the commission to confer and act in conjunction with the representatives appointed on behalf of the State of Oklahoma for the following purposes:

(1) to initially make a joint investigation at the joint expense of the two states as to the appropriate method of establishing a practicable location of the common boundary between the two states with respect to the Red River;

(2) to investigate, negotiate, and report as to the necessity and advisability of a compact between the two states defining and locating a practicable, identifiable state line;

(3) to hold such hearings and conferences in either of the two states as may be required and to take such action, either separately or in cooperation with the State of Oklahoma or the United States, or both, as may be necessary or convenient to accomplish the purposes of this resolution; and

(4) to report to the governor and the Legislature of the State of Texas annually no later than January 15 of each year its findings and recommendations concerning joint action by the State of Texas and the State of Oklahoma; and, be it further

Resolved, That the Red River Boundary Commission shall terminate on June 30, 2000; and, be it further

Resolved, That the legislature hereby respectfully request the president and the Congress of the United States to meet and confer with the commission and the representatives of the State of Oklahoma and to assist in carrying out the purposes of this resolution; and, be it further

Resolved, That the governor of the State of Texas be and is hereby empowered and requested to forward a copy of this resolution to the governor of the State of Oklahoma and to request that the governor or legislature of that state appoint representatives of the State of Oklahoma to confer and act in conjunction with the commission for the purposes above specified, with the understanding that each state pay all expenses of its representatives; and, be it further

Resolved, That the Texas secretary of state forward official copies of this resolution to the president of the United States, the speaker of the house of representatives and president of the senate of the United States Congress and to all members of the Texas delegation to the congress with the request that it be officially entered in the Congressional Record as a memorial to the Congress of the United States of America.

POM–136. A resolution adopted by the Senate of the Legislature of the State of Michigan; to the Committee on Labor and Human Resources.

SENATE RESOLUTION NO. 61

Whereas, in the years since science discovered the harmful effects of chlorofluorocarbons on the earth's protective ozone layer, the United States and other industrial nations have implemented numerous changes to reduce the release of certain chemicals into the air. An international agreement, the Montreal Protocol, has put in place requirements that will have far-reaching health benefits. Alternate processes and materials are now used instead of CFCs routinely by all Americans; and

Whereas, in addition to the industrial and refrigeration uses of CFCs, the chemicals are invaluable to millions of people for their medical applications. An exception to the ban on CFCs was made for their essential uses in pharmaceuticals. For the 30 million Americans with various respiratory conditions, including asthma and cystic fibrosis, CFCs are essential to metered dose inhalers (MDI), a vital component of treatment. In recognition of the life-saving work that MDIs have made possible over the past forty years, provisions have been made through the Montreal Protocol and the FDA to phase in restrictions for CFCs in MDIs; and

Whereas, the current plan is for all CFCs to be prohibited from MDIs one year after a single non-CFC MDI is available. This proposal, if put in place without amendment, holds many perils for sufferers of asthma, chronic obstructive pulmonary disease, and cystic fibrosis; and

Whereas, as alternatives to CFCs in MDIs are developed, it is necessary to acknowledge that the success of inhalers in delivering medications is enhanced by the fact that there are several options available to patients. Some types of inhalers and products work better with some patients than others with the identical disease. There needs to be an adequate number of alternatives for treatment for patients, instead of ending the search for new products after only one is identified; now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States and the Food and Drug Administration to phase out the use of chlorofluorocarbons from medical inhalers in a schedule of at least three years to permit the development of as many treatment alternatives as possible; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, the members of the Michigan congressional delegation, and the Food and Drug Administration

POM–137. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Appropriations.

LEGISLATIVE RESOLVE NO. 8

Be it resolved by the Legislature of the State of Alaska:

Whereas the United States and Canada entered into an agreement to reconstruct and pave the Alaska Highway from the Alaska-Canada border to Haines Junction, Yukon Territory, Canada, and the Haines Cutoff Highway from Haines Junction, Yukon Territory, Canada, to the Alaska-Canada border near Haines, Alaska, known as the Shakwak project, as authorized in the Federal-Aid Highway Act of 1973; and

Whereas the Congress authorized $59,000,000 in 1973 for the project and has appropriated $47,000,000 to the Federal Highway Administration for actual construction by Canada; and

Whereas the Congress further authorized $20,000,000 a year for fiscal years 1993–1996 under the Intermodal Surface Transportation Efficiency Act of 1991, which has been fully appropriated; and

Whereas, in the last 16 years, the state has provided $37,000,000 of state federal-aid highway apportionments to assist in meeting the obligations of the agreement; and

Whereas the estimated amount necessary to complete the entire project was in the order of $260,000,000 in United States dollars; be it

Resolved, That the Alaska State Legislature respectfully requests the United States government and the Canadian government to honor their agreement and provide the additional funds necessary through direct federal appropriations, independent of the federal funds apportioned to Alaska by the Federal Highway Administration, to complete the remaining portions of the Shakwak project; and be it

Further resolved, That the United States Congress is respectfully requested to immediately appropriate an additional $94,000,000 to allow work on additional project segments to proceed to a bituminous surface treatment standard.

POM–138. A joint resolution adopted by the Legislature of the State of Alaska; to the Committee on Banking, Housing, and Urban Affairs.

LEGISLATIVE RESOLVE NO. 10

Be it resolved by the Legislature of the State of Alaska:

Whereas Alaska had, by regulation, imposed a primary manufacturing requirement applicable to timber harvested from state-owned land that is destined for export from the state; and

Whereas that regulation was permissive, allowing the director of the division of land to require that primary manufacture of forest products be accomplished within the state; and

Whereas, considering the Commerce Clause of the United States Constitution, in Southcentral Timber Development, Inc. v. Wunnicke, 467 U.S. 82, 81 L.Ed.2d 71, 104 S.Ct. 2237 (1984), the United States Supreme Court determined that the state's regulation could not be given effect; while the court found evidence of a clearly defined federal policy imposing primary manufacture requirements as to timber taken from federal land in Alaska, it determined that the existing Congressional sanction reached only to activities on federal land and concluded that the state's assertion of Congressional authorization by silence to allow a state to regulate similar

activities on nonfederal land could not be inferred; and

Whereas since the Wunnicke decision, the Congress has, in the Forest Resources Conservation and Shortage Relief Act of 1990, extended an existing ban on unprocessed log exports from federal land in the 11 contiguous Western states to cover timber harvested from nonfederal sources in those states; the extension of the ban on unprocessed log exports in those states collectively does not affect Alaska; and

Whereas the principal purposes, stated or assumed, in the 1990 Congressional Act for extending the ban on unprocessed log exports in the contiguous Western states—the efficient use and effective conservation of forests and forest resources, the avoidance of a shortfall in unprocessed timber in the marketplace, and concern for development of a rational log export policy as a national matter—are equally valid with respect to the significant timber resources held by this state, its political subdivisions, and its public university; and

Whereas the state cannot act to regulate, restrict, or prohibit the export of unprocessed logs harvested from land of the state, its political subdivisions, and the University of Alaska without a legislative expression demonstrating Congressional intent that is unmistakably clear;

Be it resolved, That the Legislature of the State of Alaska urges the United States Congress to give an affirmative expression of approval to a policy authorizing the state to regulate, restrict, or prohibit the export of unprocessed logs harvested from its land and from the land of its political subdivisions and the University of Alaska.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, with an amendment in the nature of a substitute:

S. 417. A bill to extend energy conservation programs under the Energy Policy and Conservation Act through September 30, 2002 (Rept. No. 105–25).

By Mr. MURKOWSKI, from the Committee on Energy and Natural Resources, without amendment:

H.R. 649. A bill to amend sections of the Department of Energy Organization Act that are obsolete or inconsistent with other statutes and to repeal a related section of the Federal Energy Administration Act of 1974 (Rept. No. 105–26).

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of committees were submitted:

By Mr. JEFFORDS, from the Committee on Labor and Human Resources:

Jose-Marie Griffiths, of Tennessee, to be a Member of the National Commission on Libraries and Information Science for a term expiring July 19, 2001.

Kathryn O'Leary Higgins, of South Dakota, to be Deputy Secretary of Labor.

Yerker Andersson, of Maryland, to be a Member of the National Council on Disability for a term expiring September 17, 1999 (Reappointment).

(The above nominations were reported with the recommendation that they be confirmed, subject to the nominees' commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

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

By Mr. TORRICELLI:

S. 875. A bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GREGG (for himself, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. JOHNSON):

S. 876. A bill to establish a nonpartisan commission on Federal election campaign practices and provide that the recommendations of the commission be given expedited consideration by Congress; to the Committee on Rules and Administration.

By Mr. McCAIN (by request):

S. 877. A bill to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers; to the Committee on Commerce, Science, and Transportation.

By Mr. HATCH:

S. 878. A bill to redesignate the Federal building located at 717 Madison Place, Northwest, in the District of Columbia, as the "Howard T. Markey National Courts Building"; to the Committee on Environment and Public Works.

By Mr. FEINGOLD:

S. 879. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

By Mr. GORTON:

S. 880. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel DUSKEN IV; to the Committee on Commerce, Science, and Transportation.

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 881. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Energy and Natural Resources.

By Mrs. BOXER:

S. 882. A bill to improve academic and social outcomes for students by providing productive activities during after school hours; to the Committee on Labor and Human Resources.

By Mr. GREGG (for himself, Mr. ROTH, Mr. FAIRCLOTH, Mrs. HUTCHISON, Mr. MURKOWSKI, Mr. SANTORUM, and Ms. COLLINS):

S. 883. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes; to the Committee on Finance.

By Mr. CLELAND:

S. 884. A bill to amend the Appalachian Regional Development Act of 1965 to add Elbert County and Hart County, Georgia, to the Appalachian region; to the Committee on Environment and Public Works.

By Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. CHAFEE):

S. 885. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. McCONNELL (for himself and Mr. LIEBERMAN):

S. 886. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes; to the Committee on Labor and Human Resources.

By Ms. MOSELEY-BRAUN (for herself and Mr. DEWINE):

S. 887. A bill to establish in the National Service the National Underground Railroad Network to Freedom program, and for other purposes; to the Committee on Energy and Natural Resources.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. TORRICELLI:

S. 875. A bill to promote online commerce and communications, to protect consumers and service providers from the misuse of computer facilities by others sending bulk unsolicited electronic mail over such facilities, and for other purposes; to the Committee on Commerce, Science, and Transportation.

THE ELECTRONIC MAILBOX PROTECTION ACT OF 1997

Mr. TORRICELLI. Mr. President, I rise today to introduce the Electronic Mailbox Protection Act of 1997, in the hopes of addressing an increasingly serious threat to online commerce and personal privacy rights—the distribution of unsolicited, bulk e-mail by unidentifiable senders.

It is an unfortunate side effect of the burgeoning and exciting world of online communication and commerce that more and more individuals are finding their electronic mailboxes filled to the cyber-brim with unsolicited messages. And many Internet service providers are facing slowdowns or even breakdowns of their systems due to uncontrollable and unaccountable senders of unidentifiable and unsolicited bulk e-mail.

Mr. President, some have suggested that we simply ban all unsolicited e-mail. But some people do want to receive these unsolicited messages, especially when they are tailored to their personal interests. And legitimate businesses and organizations are increasingly using unsolicited e-mail to recruit new customers, new members, or even financial assistance.

However, many people do not wish to receive unsolicited e-mail at all. And many new businesses are less than fully legitimate—all too frequently, unsolicited e-mail arrives with no return address, and no means of opting-

out of future mailings. In fact, it is precisely because many bulk e-mailers know that their activities are going to meet massive opposition that they disguise their identities or alter their return addresses.

Newly developed software and increasingly brazen cyber-promoters have only exacerbated the problem. In some cases, these messages have slowed down or even crippled Internet service through local or national Internet service providers.

Many of these new cyber-promoters collect millions of addresses from service providers without consent, mail to those who have already expressed a desire to be kept off bulk e-mail lists, or purposefully disguise their identity or return address. They refuse to yield to public pressure, private suit or any other citizen action, and the more destructive of their tactics must be addressed before the situation overwhelms the Internet and paralyzes legitimate online commerce—something must be done.

As a result, I have been working for some time now with privacy groups, marketers, online service providers, and others to develop strong but reasonable legislation to put a stop to the most destructive e-mail practices, while protecting the first amendment rights of all who wish to send legitimate e-mail of any kind.

Mr. President, I have long been concerned about excessive—indeed any—Government regulation of the Internet. Many of the best qualities of American life are represented and enhanced by the Internet—the world's most democratic medium—and I do not wish to stifle speech or inhibit the freedom of commerce or expression. However, the problem of unaccountable junk e-mailers will not go away, and if we do not address this problem with legislation we risk the destruction of all legitimate expression and commerce on the information superhighway.

After a long back and forth process with a wide variety of interests, I believe we are all finally in agreement that the bill I introduce today represents the strongest and most balanced approach to this growing problem. Specifically, my bill includes the following key provisions.

First, and most simply, my bill will prohibit anyone from sending e-mail to a person who has asked not to receive such mail—either prior to receiving the first message or in response to an unsolicited message that made its way into the recipients mailbox. Mr. President, this provision requires no more than common courtesy and proper business sense. But unfortunately, this provision is sorely needed by the thousands—even millions—of recipients of repetitive and unsolicited e-mail.

And the bill also contains a pro-active provision which effectively defines prior notice as including either direct notice or notice through a standard method adopted by an Internet standard setting body, like the Internet Engineering Task Force. In other words, we allow the IETF or another community-recognized organization to discuss, develop, and adopt a method of preemptively informing all senders that certain recipients do not want to receive any unsolicited electronic mail. This could take the form of an opt-out system, an opt-in system, or even some sort of address labeling standard—whatever the Internet community chooses to adopt. But once the standard is in place, my bill will require that senders comply with that standard. We have given the Internet community the tools to enforce their own pro-active steps, and I believe this achieves a proper balance between Government action and self-regulation. As much as is possible, Congress should avoid dictating the details of Internet architecture.

Second, my bill will prohibit sending unsolicited e-mail from an unregistered, illegitimate, or fictitious Internet domain for the purpose of preventing an easy reply. Such tactics have become increasingly common in recent months, because the less responsible marketers know—they just know—that many of the recipients of their unsolicited junk will be unhappy and wish to respond. Rather than act responsibly and respond to complaints as they come in, these fly-by-night marketers prefer to make it impossible to respond. We have all heard from constituents who are simply fed up with these practices, and this bill will empower our constituents to do something about it.

Third, my bill will prohibit the use of procedures designed to defeat or circumvent mail filtering tools. Consumers and service providers are getting better at using mail filters to block out unwanted mail. But these filtering programs, still in relative infancy, are no match for cyber-promoters with sophisticated techniques and all the time in the world to work on skirting the filters and making it into your mailbox.

Next, my bill will prohibit anyone from using a computer program to harvest, or gather, a large number of e-mail addresses for the purpose of sending unsolicited e-mail to those addresses or selling the list to other senders of unsolicited e-mail—if such activity would be against the policy of the computer service from which the addresses are collected. In other words, if America Online or AT&T or Panix or Erols have policies against using a computer to harvest addresses of their subscribers, cyber-promoters would have to comply.

My bill also puts a stop to so-called hit and run spamming, which occurs when someone gets access to a temporary e-mail account, sends out thousands of unsolicited messages, and then abandons the account and leaves the service provider to clean up the mess. Under my bill, registering an Internet domain or e-mail account for the purpose of sending unsolicited e-mail and avoiding replies would be prohibited.

Finally, Mr. President, my bill directs the FTC to pay close attention over the next 18 months to the affects that this bill has on the junk e-mail problem. At the end of that time, the FTC will submit a report to Congress detailing its findings, and we can determine whether or not new action is necessary.

And what will happen to those who break the rules we intend to set down in law? Well, there are two possibilities. First, there is a $5,000 civil penalty for each violation, to be imposed by the U.S. Government.

But more importantly, this bill empowers the individual recipient or service provider suffering the effects of a violation of this bill to sue for damages. These damages range from $500 for simple violations all the way up to $5,000 for particularly egregious or willful abuses. And if we think about the possibilities for class action suits, we can quickly see the deterrent effect of these provisions.

Mr. President, this bill will not prevent all unsolicited e-mail. Legitimate marketers, nonprofit organizations and others will still be able to send unsolicited e-mail, even in bulk. However, this legislation will make the senders of the e-mail accountable to the service providers and to the e-mail recipients. No longer will brazen promoters be able to disguise their identity and hide behind technology—from now on, they will be accountable for what they send and punished if their tactics are of the kind that merit such action.

Put simply, Mr. President, my bill will empower consumers and Internet service providers alike to block, filter, reply to, or prevent unwanted and unsolicited electronic mail.

We all recognize that we should not lightly enter into Internet regulation. But some practices are simply too destructive to ignore, and certain types of unsolicited e-mail must be stopped.

I hope you will join me in working to pass this fair but strong bill to protect individual privacy, preserve freedom of expression, and allow legitimate commerce on the Internet to flourish. I ask unanimous consent that the full text of the legislation be printed in the RECORD.

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

S. 875

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 "Electronic Mailbox Protection Act of 1997".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The Internet has increasingly become a critical mode of global communication and now presents unprecedented opportunities for the development and growth of global commerce and an integrated worldwide economy.

(2) In order for global commerce on the Internet to reach its full potential, individuals and entities using the Internet and other online services should be prevented from engaging in activities that prevent other users and Internet service providers from having a reasonably predictable, efficient, and economical online experience.

(3) Unsolicited electronic mail can be an important mechanism through which commercial vendors, nonprofit organizations, and other providers of services recruit members, advertise, and attract customers in the online environment.

(4) The receipt of unsolicited electronic mail may result in undue monetary costs to recipients who cannot refuse to accept such mail and who incur costs for the storage of such mail, or for the time spent accessing, reviewing, and discarding such mail, or for both.

(5) Unsolicited electronic mail sent in bulk may impose significant monetary costs on the Internet service providers, businesses, and educational and non-profit institutions that carry and receive such mail, as there is a finite volume of mail that such providers, businesses, and institutions can handle at any one point in time. The sending of such mail is increasingly and negatively affecting the quality of service provided to customers of Internet service providers.

(6) While many senders of bulk unsolicited electronic mail provide simple and reliable ways for recipients to reject (or "opt-out" of) receipt of unsolicited electronic mail from such senders in the future, other senders provide no such "opt-out" mechanism, or refuse to honor the requests of recipients not to receive electronic mail from such senders in the future, or both.

(7) An increasing number of senders of bulk unsolicited electronic mail purposefully disguise the source of such mail so as to prevent recipients from responding to such mail quickly and easily.

(8) Many senders of unsolicited electronic mail collect (or "harvest") electronic mail addresses of potential recipients without the knowledge of their intended recipients and in violation of the rules or terms of service of the fora from which such addresses are collected.

(9) Because recipients of unsolicited electronic mail are unable to avoid the receipt of such mail through reasonable means, such mail may threaten the privacy of recipients. This privacy threat is enhanced for recipients whose electronic mail software or server alerts them to new mail as it arrives, as unsolicited electronic mail thereby disrupts the normal operation of the recipient's computer.

(10) In legislating against certain abuses on the Internet, Congress and the States should be very careful to avoid infringing in any way upon constitutionally protected rights, including the rights of assembly, free speech, and privacy.

(11) In order to realize the full potential for online electronic commerce, senders of bulk unsolicited electronic mail should be required to abide by the requests of electronic mail recipients, Internet service providers, businesses, and educational and non-profit institutions to cease sending such mail to such recipients, providers, businesses, and educational and non-profit institutions.

SEC. 3. PROHIBITION ON CERTAIN ACTIVITIES THAT MISAPPROPRIATE THE RESOURCES OF ONLINE SERVICE PROVIDERS.

(a) IN GENERAL.—Whoever, in or affecting interstate or foreign commerce—

(1) initiates the transmission of an unsolicited electronic mail message from an unregistered or fictitious Internet domain, or an unregistered or fictitious electronic mail address, for the purpose of—

(A) preventing replies to such message through use of a standard reply mechanism in the recipient's electronic mail system; or

(B) preventing receipt of standard notices of non-delivery;

(2) uses a computer program or other technical mechanism or procedure to disguise the source of unsolicited electronic mail messages for the purpose of preventing recipients, or recipient interactive computer services, from implementing a mail filtering tool to block the messages from reaching the intended recipients;

(3) initiates the transmission of an unsolicited electronic mail message and fails to comply with the request of the recipient of the message, made to the sender or the listserver as appropriate, to cease sending electronic messages to the recipient in the future;

(4) distributes a collection or list of electronic mail addresses, having been given prior notice that one or more of the recipients identified by such addresses does not wish to receive unsolicited electronic mail and knowing that the recipient of such addresses intends to use such addresses for the purpose of sending unsolicited electronic mail;

(5) initiates the transmission of an unsolicited electronic mail message to a recipient despite having been given prior notice (either directly or through a standard method developed, adopted, or modified by an Internet standard setting organization (such as the Internet Engineering Task Force or the World Wide Web Consortium) to better facilitate pre-emptive consumer control over bulk unsolicited electronic mail) that the recipient does not wish to receive such messages;

(6) registers, creates, or causes to be created an Internet domain or applies for, registers, or otherwise obtains the use of an Internet electronic mail account for the sole or primary purpose of initiating the transmission of an unsolicited electronic mail message in contravention of paragraph (1) or (2);

(7) directs an unsolicited electronic mail message through the server of an interactive computer service to one or more subscribers of the interactive computer service, knowing that such action is in contravention of the rules of the interactive computer service with respect to bulk unsolicited electronic mail messages;

(8) knowing that such action is in contravention of the rules of the interactive computer service concerned, accesses the server of the interactive computer service and uses a computer program to collect electronic mail addresses of subscribers of the interactive computer service for the purpose of sending such subscribers unsolicited electronic mail or distributing such addresses knowing that the recipient of such addresses intends to use such addresses for the purpose of sending unsolicited electronic mail; or

(9) initiates the transmission of bulk unsolicited electronic mail messages and divides the mailing of such messages into smaller mailings for the purpose of circumventing another provision of this Act,

shall be subject to a civil penalty of not more than $5,000 per individual violation.

(b) ENFORCEMENT.—The Federal Trade Commission shall have the authority to commence civil actions under subsection (a).

SEC. 4. RECOVERY OF CIVIL DAMAGES.

(a) IN GENERAL.—Any person whose interactive computer service or electronic mailbox is intentionally misused or infiltrated, or whose requests for cessation of electronic mail messages have been ignored, in violation of section 3 may in a civil action recover from the person or entity which engaged in that violation such relief as may be appropriate.

(b) RELIEF.—In an action under this section, appropriate relief includes—

(1) such preliminary and other equitable or declaratory relief as may be appropriate;

(2) actual monetary loss from a violation, statutory damages of not more than $500 for each violation, and, if the court finds that the defendant's actions were particularly egregious, willful, or knowing violations of section 3, the court may, in its discretion, increase the amount of an award to an amount equal to not more than 10 times the amount available hereunder; and

(3) a reasonable attorney's fee and other litigation costs reasonably incurred.

SEC. 5. STATE LAW.

Nothing in this Act shall be construed to prevent any State from enforcing any State law that is consistent with this Act. No cause of action may be brought and no liability may be imposed under any State or local law that is inconsistent with this Act.

SEC. 6. FEDERAL TRADE COMMISSION STUDY INTO EFFECTS OF UNSOLICITED ELECTRONIC MAIL.

Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission shall submit to Congress a report detailing the effectiveness of, enforcement of, and the need, if any, for Congress to modify the provisions of this Act.

SEC. 7. DEFINITIONS.

In this Act:

(1) BULK UNSOLICITED ELECTRONIC MAIL MESSAGE.—The term "bulk unsolicited electronic mail message" means any substantially identical unsolicited electronic mail message with 25 or more intended recipients.

(2) ELECTRONIC MAIL ADDRESS.—

(A) IN GENERAL.—The term "electronic mail address" means a destination (commonly expressed as a string of characters) to which electronic mail can be sent or delivered.

(B) INCLUSION.—In the case of the Internet, the term "electronic mail address" may include an electronic mail address consisting of a user name or mailbox (commonly referred to as the "local part") and a reference to an Internet domain (commonly referred to as the "domain part").

(3) INITIATES THE TRANSMISSION.—The term "initiates the transmission", in the case an electronic mail message, refers to the action of the original sender of the message and not to any intervening computer service that may handle or retransmit the message, unless the intervening computer service retransmits the message with an intent to engage in activities prohibited by this Act.

(4) INTERACTIVE COMPUTER SERVICE.—The term "interactive computer service" has the meaning given that term in section 230(e)(2) of the Communications Act of 1934 (47 U.S.C. 230(e)(2)).

(5) INTERNET.—The term "Internet" has the meaning given that term in section

230(e)(1) of the Communications Act of 1934 (47 U.S.C. 230(e)(1)).

(6) INTERNET DOMAIN.—The term "Internet domain" refers to a specific computer system (commonly referred to as a "host") or collection of computer systems attached to or able to be referenced from the Internet which are assigned a specific reference point on the Internet (commonly referred to as the "Internet domain name") and registered with an organization recognized by the computer industry as a registrant of Internet domains.

(7) LISTSERVER.—The term "listserver" refers to a computer program that provides electronic mailing list management functions, including functions that allow individuals to subscribe and unsubscribe to and from electronic mailing lists.

(8) MAIL FILTERING TOOL.—The term "mail filtering tool" means any computer program, procedure, or mechanism used by an individual recipient or interactive computer service to block, return, reroute, or otherwise screen or sort incoming electronic mail messages.

(9) SERVER.—The term "server" refers to any computer that provides support or services of any kind, including electronic mailboxes, to other computers (commonly referred to as "clients").

(10) UNSOLICITED ELECTRONIC MAIL MESSAGE.—The term "unsolicited electronic mail message" means any electronic mail other than electronic mail sent by persons to others with whom they have a prior relationship, including a prior business relationship, or mail sent by a source to recipients where such recipients, or someone authorized by them, have at any time affirmatively requested to receive communications from that source.

SEC. 8. EFFECTIVE DATE.

This provisions of this Act shall take effect 45 days after the date of enactment of this Act.

By Mr. GREGG (for himself, Mr. TORRICELLI, Mr. SMITH of New Hampshire, and Mr. JOHNSON):

S. 876. A bill to establish a nonpartisan commission on Federal election campaign practices and provide that the recommendations of the commission be given expedited consideration by Congress; to the Committee on Rules and Administration.

THE CLAREMONT COMMISSION ACT

Mr. GREGG. Mr. President, I rise today to announce the introduction of the Claremont Commission Act, which I am introducing, along with Senators BOB SMITH, TORRICELLI, and JOHNSON.

We chose this day because it is the anniversary of the historic event that prompted the introduction of this legislation. Two years ago on this very day, a concerned citizen from Newport, NH, Mr. Frank McConnell, stood up at a town meeting in Claremont, NH, and asked an insightful and thought-provoking question of Speaker GINGRICH and President Clinton: What are they going to do about reforming our campaign financing system? The two leaders, who were attending the meeting, promised to create a bipartisan commission to study campaign finance reform and then shook hands on the agreement. That handshake was a famous and short-lived moment of solidarity and bipartisanship. At this time, sadly, no such commission has been created.

The bill that I introduce today is a renewed effort to keep the promise made on that famous day 2 years ago. The Claremont Commission Act was introduced in a bipartisan manner to create an objective commission to look at the issues surrounding the reform of our Nation's campaign finance system. This legislation directs the commission to take important goals into consideration when making recommendations to the Congress with regard to reform legislation. These goals include: limiting the influence of money in Federal elections; increasing voter participation, creating a more equitable electoral system for both challengers and incumbents; and removing the negative aspects of financing of Federal elections. I believe that these are important goals to consider when Congress moves to make actual changes to our campaign financing laws.

The Claremont Commission Act specifically asks the commission to consider and respond to more than 14 questions regarding the most important issues surrounding the campaign finance reform debate. I am especially pleased that the issues of soft money contributions, independent expenditures, and the role of unions will be addressed. In particular, the role of unions and their use of mandatory union dues to make donations to political campaigns is of concern to me. The commission will address the serious issues surrounding how unions finance their political activities, as well as the considerable influence that these organizations wield over the outcome of elections. I am pleased that the creation of this commission can begin to address concerns, as well as other Members of Congress' questions regarding soft money contributions and independent expenditures.

The political infighting that has occurred over the years regarding the financing of our Federal elections will not cease unless a middle ground can be established. I believe that the Claremont Commission Act, by establishing a mechanism for a dispassionate analysis by a group of experts, can provide that middle ground. Hopefully, this bill will allow us to address the concerns of all Americans who have a growing sense of cynicism over our ability to resolve important campaign financing problems.

In closing, I urge my colleagues to take a serious look at this legislation and consider the merits of commissioning a bipartisan recommendation regarding campaign finance reform.

By Mr. MCCAIN (by request):

S. 877. A bill to disestablish the National Oceanic and Atmospheric Administration Corps of Commissioned Officers; to the Committee on Commerce, Science, and Transportation.

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION CORPS LEGISLATION

Mr. MCCAIN. Mr. President, on behalf of the administration, today I am introducing legislation to disestablish the National Oceanic and Atmospheric Administration Corps. This legislation is long overdue on the part of the administration, and I am pleased to be able to initiate a possible resolution on this issue.

In 1807, an organization known as the Coast Survey was established; this organization would later become NOAA. The Survey was responsible for charting the U.S. coastline, and its civilian employees were often augmented with military personnel. This interaction between the Survey and the military continued, and, during World Wars I and II, members of the Survey served to defend our Nation. At the end of World War II, these members retained their military rank and compensation but returned to civilian duties as the NOAA Corps. Today, the corps numbers approximately 300 officers.

The corps operates the NOAA Fleet, flies the agency's hurricane research planes, and conducts a variety of activities essential for managing the Nation's natural resources. This bill seeks to maintain these services while improving the cost-effectiveness of the program. Under this legislation, civilian service positions would be created equivalent to existing NOAA Corps positions. Those officers with less than 15 years service would be eligible for these new civilian positions, while those with more than 15 years of service would be retired. Retired officers would still have an opportunity to compete for additional NOAA positions, as determined by the Under Secretary. The entire corps retirement program would be transferred to the Department of the Navy under this proposal.

Disestablishment of the corps has been recommended by the Vice President's National Performance Review, the Government Accounting Office, and the inspector general of the Department of Commerce. The GAO estimates that this bill would save $5 million over a 10-year period.

I am concerned that the NOAA Corps officers be treated fairly, and I understand that several of my colleagues have additional concerns about the impacts of this legislation. I look forward to addressing these issues through the committee process.

By Mr. FEINGOLD:

S. 879. A bill to provide for home and community-based services for individuals with disabilities, and for other purposes; to the Committee on Finance.

LONG-TERM CARE REFORM AND DEFICIT REDUCTION ACT OF 1997

Mr. FEINGOLD. Mr. President, I am pleased to introduce S. 879, the Long-Term Care Reform and Deficit Reduction Act of 1997, legislation to reform fundamentally the way we provide long-term care in this country.

This legislation gives States the flexibility to establish a system of consumer-oriented, consumer-directed home and community-based long-term care services for individuals with disabilities of any age. It does so while reducing the deficit by $30.4 billion over the next 5 years, and $145.7 billion over the next 10 years with the potential for even greater savings.

Mr. President, the bill is based on Wisconsin's home and community-based long-term care program, the Community Options Program, called COP, which has been a national model of reform. COP was the keystone of Wisconsin's long-term care reforms that have saved Wisconsin taxpayers hundreds of millions of dollars.

The legislation is also similar, in large part, to the excellent bipartisan long-term care proposals developed by the Senate Committee on Labor and Human Resources as well as the Senate Committee on Finance during the 103d Congress, which in turn stemmed from the long-term care reforms included in President Clinton's health care reform proposal. Unlike so many other aspects of health care reform, the long-term care provisions that came out of the two Senate committees, that were included in the Mitchell compromise measure, and that were part of the proposals produced by the standing committees in the other body, received bipartisan support. It is somewhat remarkable that when there was so much controversy over so many issues relating to health care reform that there was so much agreement over the need to include long-term care reform.

Mr. President, the success of the Wisconsin program upon which this measure is based stems in large part from its flexibility, a flexibility that benefits both individual consumers of long-term care as well as local administrators.

This legislation reflects that same kind of flexibility. First and foremost, it does so by not creating a new, unfunded mandate. This program is entirely optional for States, and beyond four core services—assessment, care planning, personal assistance, and case management—those States choosing to participate will be free to decide what additional services, if any, they want to offer. States would be able but not required to offer such things as homemaker services, home modifications, respite, assistive devices, adult day care, supported employment, home health care, or any other service that would help keep a disabled individual at home or in the community.

Equally important, the measure provides both some initial funding, and the ability of States to recapture the bulk of the savings they can generate within the current long-term care system. The bill directs the Secretary of Health and Human Services to submit to Congress a proposal by which States could retain, in this new more flexible program, 75 percent of the Federal Medicaid long-term care savings they are able to generate. This not only provides a direct incentive for States to produce Medicaid savings, it also directly links the future of this reform to its ability to deliver results.

The legislation also creates a small hospital link pilot program based on our experiences in Wisconsin where such an initiative has helped direct individuals needing long-term care services out of hospitals, and back to their own homes and communities. The hospital discharge is a critical point of embarkation into the long-term care system for many, and this program helps ensure that those who leave a hospital in need of long-term care can receive needed services where they prefer them—in their own homes.

Mr. President, though I am convinced that long-term care reform can result in substantial savings to taxpayers—and this has been our experience in Wisconsin—this measure does not depend on hypothetical savings for funding. This measure includes funding provisions consisting of specific savings within the health care system. Those savings include extending and making permanent the Medicare secondary payer provisions; establishing a prospective payment system under Medicare for nursing homes; eliminating the technical errors in the reimbursement of certain outpatient hospital services, known as the formula-driven overpayments; and, reforming the way Medicare risk contractors are reimbursed.

Mr. President, this last provision, fixing the payment system for Medicare HMO's, deserves special notice. The current system of reimbursement is flawed, and results in grossly inequitable distribution of costs and benefits within Medicare. Because the risk contract reimbursement formula is driven by the average fee-for-service costs in an area, Medicare beneficiaries in States like Wisconsin, where Medicare's standard fee-for-service costs are kept low, are punished. By contrast, areas with higher costs, including costs driven by unnecessary utilization and even waste, fraud, and abuse, are rewarded with generous benefit packages and little or no copayments.

This system of incentives is backward, and I am pleased to include a proposal to bring some sense and equity to Medicare's reimbursement of risk contracts as part of this measure.

Mr. President, the offsetting reductions in this measure produce savings of $34.1 billion over 5 years, and $166.2 billion over 10 years. Altogether, including the long-term care reforms and grants to States, the bill produces net deficit reduction of $30.4 billion over 5 years, and $145.7 billion over 10 years.

This must be the approach we adopt, even for those proposals which experience shows will result in savings. By including funding provisions in this long-term care reform measure, we ensure that any additional savings produced by these reforms will only further reduce the budget deficit.

And there is strong evidence that there will be additional savings, as we have seen in Wisconsin. Between 1980 and 1993, while the rest of the country experienced increased Medicaid nursing home use of 35 percent, thanks to Wisconsin's long-term care reforms, Medicaid nursing home bed use actually dropped 16 percent in the State, saving Wisconsin taxpayers hundreds of millions of dollars.

Mr. President, aside from the immediate benefits of reducing the budget deficit, we need long-term care reform in its own right.

While the population of those needing long-term care is growing much faster than those providing indirect support as taxpayers, informal care, which is largely provided by families, has been stretched to the limit by the economics of health care and the increasing age of the caregivers themselves.

The default system of formal long-term care, currently funded through the Medicaid Program, requires that individuals impoverish themselves before they can receive needed care, and it largely limits care to expensive institutional settings.

Failure to reform long-term care will inevitably lead to increased use of the Medicaid system—the most expensive long-term care alternative for taxpayers, and the least desirable for consumers.

Mr. President, there are few statistical forecasts as accurate as those dealing with our population, and estimates show that the population needing long-term care will explode during the next few decades. The elderly are the fastest growing segment of our population, with those over age 85—individuals most in need of long-term care—the fastest growing segment of the elderly. The over-85 population will triple in size between 1980 and 2030, and will be nearly seven times larger in 2050 than in 1980.

The growth in the population of elderly needing some assistance is expected to be equally dramatic. Activities of daily living, or ADL's, are a common measure of need for long-term care services. These activities include eating, transferring in and out of bed, toileting, dressing, and bathing. In 1988, approximately 6.9 million elderly

could not perform all of these activities. By 2000, this population is expected to increase to 9 million, and by 2040 to 18 million.

Mr. President, that we have been able to stave off a long-term care crisis to date is due in large part to the direct caregiving provided by millions of families for their elderly and disabled family members. But here also we see that the demographic changes of the next several decades will result in increased strain on the current system.

While the number of people in need of care is increasing rapidly, the population supporting those individuals, either through direct caregiving, or indirectly through their taxes, is growing much more slowly, and thus is shrinking in comparison.

In 1900, there were about 7 elderly individuals for every 100 people of working age. As of 1990, the ratio was about 20 elderly for every 100, by 2020 the ratio will be 29 per 100, and after that it will rise to 38 per 100 by 2030.

These population differences will be further aggravated by the changing nature of the family and the work force. As the Alzheimer's Association has noted, smaller families, delayed childbearing, more women in the work force, higher divorce rates, and increased mobility all mean there will be fewer primary caregivers available, and far less informal support for those who do continue to provide care to family members in need of long-term care services.

Mr. President, while some elderly are relatively well off, thanks in part to programs like Social Security and Medicare that have kept many out of poverty, it is also true that too many seniors still find themselves living near or below the poverty line. This is especially true for those needing long-term care, who, on average, are poorer than those who do not need long-term care. In 1990, about 27 percent of people needing help with some activity of daily living survived on incomes below the poverty level, compared with 17 percent of all older people. About half of impaired elderly have income under 150 percent of poverty, compared with 35 percent of all elderly, and, according to Families USA, while 20 percent of the population as a whole had annual family income under $15,685 in 1992, nearly half of the disabled population had income under that level.

Further aggravating the problem is that informal family member caregivers are getting older. These caregivers are already an average of 57, with 36 percent of caregivers 65 or older. As the population ages, so will the average age of caregivers, and as the population of caregivers increases, their ability to provide adequate informal care diminishes.

Mr. President, all in all our country faces a rapidly growing population needing long-term care services, a population which is disproportionately poor. At the same time, the group of family caregivers, that has kept most of the population needing long-term care out of Government programs like Medicaid, is shrinking relative to those in need of services, and is becoming progressively older.

The inescapable result of these trends is substantial pressure on Government provided long-term care services—services that are inadequate in several fundamental ways.

First, with some exceptions, the current system fails to build effectively on the informal care provided by families.

Mr. President, most people with disabilities, even with severe disabilities, rely on care in their home from family and friends. The Alzheimer's Association estimates that families provide between 80 and 90 percent of all care at home, willingly and without pay. The association estimates that this informal off-budget care would cost $54 billion to replace.

This last figure can be only an estimate, not because it doesn't fairly represent the services currently being provided by family members, but because comparable services are largely unavailable from the long-term care system. The variety of home- and community-based services provided by family members simply do not exist in many areas.

Mr. President, the prevalence of family-provided caregiving affirms that, in reforming our long-term care system, it is vital that we build on top of the existing informal care that is being provided, not try to substitute for that care by imposing a new system. The goal of long-term care reform is first to enable family caregivers to continue to provide the care they currently give and that their family members prefer.

Mr. President, another weakness of the current long-term care system is the lack of a home and community service capacity. This is due in part to the inadequacies of the Medicaid Program. Enacted in 1965, Medicaid was primarily a response to the acute care needs of the poor. Though Congress did not envision Medicaid as a long-term care program, it quickly became the primary source of Government funds for long-term care services.

For many years, those long-term services provided under Medicaid were almost exclusively institutionally based. Not until institutional services, such as nursing homes, had become well established were community- and home-based services funded.

The result of the head start given institutional long-term care services has been a continuing bias toward institutions in our long-term care programs. The rate of nursing home use by the elderly since the advent of Medicare and Medicaid has doubled, while the community and home-based alternatives to institutional care are considered exceptions to institutional care. A State must get a waiver from the Federal Government in order to qualify for community and home-based nonmedical service alternatives under Medicaid and, in many cases, an individual must otherwise be headed to an institution in order to qualify for those Medicaid funded community and home-based alternative programs.

More significantly, there remains an absolute entitlement to institutional care that does not exist for the home and community-based waiver alternatives.

Mr. President, many families have been able to provide long-term care services themselves to their elderly and disabled family members, but the lack of even partial support services makes it increasingly difficult for families to choose to keep their family members at home.

According to a 1991 Alzheimer's Association study, the family caregiving alternative to Government funded long-term care is likely to disappear not because of the increasing impairment of the long-term care consumer, but because of the physical, emotional, or financial exhaustion of the caregiver:

> Family caregivers suffer more stress-related illness, resulting from exhaustion, lowered immune functions, and injuries, than the general population . . . Depression among caregivers of the frail elderly is as high as 43 to 46 percent, nearly three times the norm. . . . The likelihood of health problems is heightened by the relatively high age of caregivers: the average is 57. Thirty-six percent of caregivers are 65 or older.

Mr. President, the impact on the economy of the family caregiver is also significant. Beyond the obvious strain on the personal economy of those families with members needing long-term care services, there is also a significant effect on employers.

One-quarter of American workers over the age of 30 care for an elderly parent, and this percentage is expected to increase with 40 percent of workers expecting to be caring for aging parents in the next 5 years.

These are impressive statistics when one considers that caregivers report missing a week and a half of work each year in order to provide care, and nearly one-third of working caregivers have either quit their job or reduced their work hours because of their caregiving responsibilities.

For those working 20 hours or fewer a week, over half have reduced their work hours because of caregiving responsibilities.

Mr. President, long-term care is very much a woman's issue. Women live longer than men, and make up a greater portion of the population needing care. And women are much more likely to be the family member that is providing care to a loved one who needs long-term care. One in five women have a parent living in their home, and nearly half of adult daughters who are

caregivers are unemployed. Over a quarter of these women said they either quit their jobs or retired early just to provide care for an older person.

In addition to the impact on caregivers as employees, workers, and family breadwinners, there is also a measurable impact on their personal health. As the Alzheimer's Association study noted, caregivers are more likely to be in poor health than the general population, and are three times more likely to suffer from depression, a condition that raises the risk of other ailments such as exhaustion, lowered immune function, stress-related illness, and injury related to their caregiving responsibilities.

Compounding both the work-related and health-related problems, the burden of this kind of caregiving can increase over time. The Alzheimer's Association study noted that unlike caring for a child, which diminishes over time as the child matures and becomes more independent, caregiving responsibilities for an aging parent often increase as they become more dependent and require more care.

Mr. President, failure to reform long-term care will also lead to cost shifting and will undermine our efforts both to contain acute care costs and further reduce the deficit.

Thanks in large part to the lack of universal coverage and the attendant shared responsibility, the health care system has become expert at shifting costs. Federal and State policymakers, in attempting to control costs, have often only created bigger incentives to shift costs as they try to clamp down in one area only to see utilization jump in another. All too often, no real savings are achieved in the end.

This was seen, for example, when the Federal Government changed several aspects of Medicare reimbursements. Patients were discharged from hospitals quicker and sicker than they had been before with a resulting increase in utilization in other areas, including long-term care services such as skilled nursing facilities.

This example is particularly appropriate. As efforts are made to limit costs in the acute care system, it is precisely this kind of shifting, from the acute care side to the long-term care side, that will occur unless long-term care reforms are pursued.

A grandmother who is discharged from a hospital by an HMO seeking to lower its costs, may have little alternative but to enter a nursing home. Long-term care reform could provide her family with sufficient additional supports to be able to care for that grandmother in her own home, and at significantly lower cost to the family and the system as a whole.

But, Mr. President, as important as it is to gain control of our health care costs, long-term care reform is needed first and foremost as a matter of humanity.

In my own State of Wisconsin, long-term care has been the focus of significant reforms since the early 1980's.

One long-term care administrator, Chuck McLaughlin of Black River Falls, WI, testified before a field hearing of the Senate Aging Committee in the 103d Congress that prior to those reforms, he saw an almost complete absence of community or home-based long-term care services for people in need of support.

This was especially visible for older disabled individuals. Except for those seniors with sufficient resources to create their own system of in-home supports, he saw many forced to enter nursing homes who would have liked to have remained in their own home or community.

McLaughlin noted that though some eventually adjusted to leaving their home and entering the nursing home, others never did.

> I saw people who simply willed their own death because they saw no reason to continue living. These were people who were literally torn from familiar places and familiar people. People who had lost the continuity of their lives and the history that so richly made them into who they were now. People who had nurtured and sustained their communities which in turn provided them with positive status in that community. These people were truly uprooted and adrift in an alien environment lacking familiar sights, sounds, and smells. Many of them simply chose not to live any longer. While the medical care they received was excellent, they were more than just their physical bodies. Modern medicine has no treatment for a broken spirit.

Mr. President, for many, the current long-term care system continues to be so inflexible as to be inhumane.

Mr. President, there are many reasons for pursuing long-term care reform—certainly more than are addressed here. But the one which may be the most meaningful for those actually needing long-term care is the ability to make their own choice about what kinds of services they will receive. In particular, this will mean the chance to remain as independent as possible, living at home or in the community or, if they choose, in an institution.

Survey after survey reveal the overwhelming preference for home-based care, and these findings are consistent with the anecdotal evidence available from just about every family facing some kind of long-term care need.

Ann Hauser, a 74-year-old woman who retired after 30 years as a ward clerk in a Milwaukee hospital, offered testimony at a May 9, 1994, field hearing of the Senate Special Committee on Aging that is typical of what many have said over the years.

Now living at home with help from Wisconsin's home and community-based long-term care program, the Community Options Program [COP], Ms. Hauser related a number of problems she had experienced while in different nursing homes.

> While at this nursing home and the others, I was to continue on IV antibiotics and needed some, but not total assistance for chair transfers. Before much time had passed, I was assisted in moving around so seldom that I lost muscle tone. Within 5 months, I became bedridden. The Heuer lift became a cop-out, and I learned that I was better to refuse it so that I would keep the use of some of my muscles. The less active I became, the more depressed I became. I was going downhill fast.
>
> How could I be happy in places that allowed the aides to switch the TV station on my television to their favorite soap operas (when I don't even like shows like that)? Furthermore, when I would remind them that I was at their mercy to finish my bed bath as they stopped to watch just one more minute, they would take away my remote control while I shivered and waited.

The particulars of Ms. Hauser's experience are less important than the overall loss of control and independence that she experienced, something that is common for many in nursing homes. As Ms. Hauser noted:

> How could I thrive in an environment that counted on my remaining inactive when I had been so active until now?

Dorothy Freund also gave testimony at the May 9 field hearing. At the time, she was a nursing home resident. Ms. Freund, who received her B.A. from Ohio State University, majored in English, and later received an additional degree from Maclean College of Drama, Speech, and Voice in Chicago.

After a brief stay in a hospital for treatment to her ankle, she came to a nursing home for further treatment. She gave up her apartment, because it was not designed for maneuvering in a wheelchair, and she has been on the COP waiting list for a year and a half.

Ms. Freund testified that she enjoys helping people, and this was obvious to those at the hearing as she related her efforts to tutor a nursing assistant who had worked at the nursing home. The aide decided that she would like to become a nurse, to get her LPN, but needed to get her high school diploma. Ms. Freund helped her with English, geometry, government, and geography, and, thanks in large part to Ms. Freund's efforts, the nursing assistant did receive her high school diploma.

Ms. Freund spoke about her experience and her thoughts on living in a nursing home:

> Then why not stay at the nursing home and help others in the same way? It is not an atmosphere of peace and quiet for any length of time. I'm not deprecating the nursing home and its quality of care. They are always looking for ways to improve situations and to solve problems that arise. Nor am I downgrading those who are trying their best to give that care. But when the shouting, moaning, screaming, and babbling all go on at the same time it can be bedlam. It may erupt at any moment. . . . The frustrations of being stuffed in a nursing home, the struggle to ride out the storms, and keep one's head above the turbulent waters, can seem overwhelming when there's not even a gleam at the end of the tunnel. But I just can't resign myself to a life of Bingo and Roll-a-ball.

"Don't give up; there must be a way," I keep telling myself.

Ms. Freund's testimony, again, is typical of the experiences of many needing long-term care. And it bears emphasizing that the desire to live in one's own home, and to be able to function as independently as possible, exists despite the high quality of care that is provided in most nursing homes.

Mr. President, this should come as no surprise in a society that values independence so highly. We cannot expect an individual's value system to change the instant they require some long-term care, though this is precisely how our current long-term care system is structured.

If for no other reason, we need to reform our long-term care system to reflect the values we cherish as a nation, to live, as we wish, independently, in our own homes and communities.

Mr. President, during the debate over comprehensive health care reform in the 103d Congress, I issued a report reviewing the long-term care provisions in President Clinton's health care reform legislation and offering some modifications to those provisions based on our experience in Wisconsin. In that report, I noted that Chuck McLaughlin's eloquent comments on the importance of community were not only relevant, even central, to the discussion of long-term care, but that community must also be the focus of our efforts in many other areas of our lives as Americans and citizens of the world.

More often than not, the critical problems we face stem from a failure of community or a lack of adequate community-based supports—for example jobs and economic development, housing, crime, and education. These and other important issues are usually confronted by policymakers at a distance—from Washington, DC or from State capitals—essentially from the top down.

Too often we have tried to solve these challenges, including the challenge of long-term care, by imposing a superior vision from above. This approach has led to inflexible systems that cannot react to individual needs, but rather end up trying to fit the problem to their own structure.

This fundamental weakness is often enough to undermine even the sometimes huge amounts of money that we send along to implement the problem solving. It also limits the kinds of creative approaches those who are "on the ground" may see as useful and necessary.

Mr. President, just as we have a need to reinvent government to respond more efficiently to our country's needs and our national deficit, we need also to reinvent community to allow flexible approaches to problems, and to allow those in the community to exercise their judgment as to how best to solve problems.

A great strength of the Wisconsin long-term care reforms, and especially the home and community-based benefit on which this legislation is based, is that it is focused on the needs of the individual. Eligibility is based on disability, not age, and services are centered around the particular needs of an individual rather than the perceived needs of a group.

The approach this legislation takes is not only appropriate, but integral to the nature of long-term care.

Mr. President, the population needing long-term care services is a diverse group with widely differing needs.

Of the many misconceptions about long-term care, and about programs providing long-term care services, the most common may be that long-term care is purely an elderly issue. Though it is true that the elderly make up the largest part of the population needing long-term care services, long-term care is an issue facing millions of younger Americans. Approximately 1 million children have severe disabilities that require long-term care services.

Beyond the wide difference in the ages of those needing long-term care services, there is a diversity of needs, including the needs of the caregiving family members who may need a variety of different long-term care services.

From individuals with cerebral palsy to families that have a loved one afflicted with Alzheimer's disease, however well intentioned, no one set of services will address the individual needs of long-term care consumers.

Rather than trying to fit all of those needing long-term care services into one set of services, this legislation lets case managers, working with long-term care consumers and their families, determine just what services are needed and preferred.

Mr. President, the failure to enact comprehensive reform will not interrupt my own efforts to advocate and push individual reforms that respond to the needs of people and that can help save our health care system money.

In home and community-based long-term care reform, we can achieve both.

For taxpayers in Wisconsin, COP has saved hundreds of millions of dollars that would otherwise have been spent on more expensive institutional care.

At the same time, COP has provided an alternative that allows the consumer to participate in determining the plan of care and in the execution of that plan.

But, Mr. President, at the Federal level we are behind Wisconsin and other States in reforming long-term care. Despite the creation of community-based Medicaid waiver programs, consumers are, for the most part, faced with few alternatives. This proposal will begin to provide the flexibility State government needs to provide consumer-oriented and consumer-directed services.

Mr. President, I ask unanimous consent that a summary of the measure, followed by the complete text of the legislation, be printed in the RECORD.

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

S. 879

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.

(a) SHORT TITLE.—This Act may be cited as the "Long-Term Care Reform and Deficit Reduction Act of 1997".

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

Sec. 1. Short title; table of contents.

TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES

Sec. 101. State programs for home and community-based services for individuals with disabilities.
Sec. 102. State plans.
Sec. 103. Individuals with disabilities defined.
Sec. 104. Home and community-based services covered under State plan.
Sec. 105. Cost sharing.
Sec. 106. Quality assurance and safeguards.
Sec. 107. Advisory groups.
Sec. 108. Payments to States.
Sec. 109. Appropriations; allotments to States.
Sec. 110. Federal evaluations.
Sec. 111. Information and technical assistance grants relating to development of hospital linkage programs.

TITLE II—PROSPECTIVE PAYMENT SYSTEM FOR NURSING FACILITIES

Sec. 201. Definitions.
Sec. 202. Payment objectives.
Sec. 203. Powers and duties of the Secretary.
Sec. 204. Relationship to title XVIII of the Social Security Act.
Sec. 205. Establishment of resident classification system.
Sec. 206. Cost centers for nursing facility payment.
Sec. 207. Resident assessment.
Sec. 208. The per diem rate for nursing service costs.
Sec. 209. The per diem rate for administrative and general costs.
Sec. 210. Payment for fee-for-service ancillary services.
Sec. 211. Reimbursement of selected ancillary services and other costs.
Sec. 212. Per diem payment for property costs.
Sec. 213. Mid-year rate adjustments.
Sec. 214. Exception to payment methods for new and low volume nursing facilities.
Sec. 215. Appeal procedures.
Sec. 216. Transition period.
Sec. 217. Effective date; inconsistent provisions.

TITLE III—ADDITIONAL MEDICARE PROVISIONS

Sec. 301. Elimination of formula-driven overpayments for certain outpatient hospital services.
Sec. 302. Permanent extension of certain secondary payer provisions.

Sec. 303. Financing and quality modernization and reform.

TITLE I—HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES

SEC. 101. STATE PROGRAMS FOR HOME AND COMMUNITY-BASED SERVICES FOR INDIVIDUALS WITH DISABILITIES.

(a) IN GENERAL.—Each State that has a plan for home and community-based services for individuals with disabilities submitted to and approved by the Secretary under section 102(b) may receive payment in accordance with section 108.

(b) ENTITLEMENT TO SERVICES.—Nothing in this title shall be construed to create a right to services for individuals or a requirement that a State with an approved plan expend the entire amount of funds to which it is entitled under this title.

(c) DESIGNATION OF AGENCY.—Not later than 6 months after the date of enactment of this Act, the Secretary shall designate an agency responsible for program administration under this title.

SEC. 102. STATE PLANS.

(a) PLAN REQUIREMENTS.—In order to be approved under subsection (b), a State plan for home and community-based services for individuals with disabilities must meet the following requirements:

(1) STATE MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—A State plan under this title shall provide that the State will, during any fiscal year that the State is furnishing services under this title, make expenditures of State funds in an amount equal to the State maintenance of effort amount for the year determined under subparagraph (B) for furnishing the services described in subparagraph (C) under the State plan under this title or under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

(B) STATE MAINTENANCE OF EFFORT AMOUNT.—

(i) IN GENERAL.—The maintenance of effort amount for a State for a fiscal year is an amount equal to—

(I) for fiscal year 1999, the base amount for the State (as determined under clause (ii)) updated through the midpoint of fiscal year 1999 by the estimated percentage change in the index described in clause (iii) during the period beginning on October 1, 1997, and ending at that midpoint; and

(II) for succeeding fiscal years, an amount equal to the amount determined under this clause for the previous fiscal year updated through the midpoint of the year by the estimated percentage change in the index described in clause (iii) during the 12-month period ending at that midpoint, with appropriate adjustments to reflect previous underestimations or overestimations under this clause in the projected percentage change in such index.

(ii) STATE BASE AMOUNT.—The base amount for a State is an amount equal to the total expenditures from State funds made under the State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) during fiscal year 1997 with respect to medical assistance consisting of the services described in subparagraph (C).

(iii) INDEX DESCRIBED.—For purposes of clause (i), the Secretary shall develop an index that reflects the projected increases in spending for services under subparagraph (C), adjusted for differences among the States.

(C) MEDICAID SERVICES DESCRIBED.—The services described in this subparagraph are the following:

(i) Personal care services (as described in section 1905(a)(24) of the Social Security Act (42 U.S.C. 1396d(a)(24))).

(ii) Home or community-based services furnished under a waiver granted under subsection (c), (d), or (e) of section 1915 of such Act (42 U.S.C. 1396n).

(iii) Home and community care furnished to functionally disabled elderly individuals under section 1929 of such Act (42 U.S.C. 1396t).

(iv) Community supported living arrangements services under section 1930 of such Act (42 U.S.C. 1396u).

(v) Services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—Within the amounts provided by the State and under section 108 for such plan, the plan shall provide that services under the plan will be available to individuals with disabilities (as defined in section 103(a)) in the State.

(B) INITIAL SCREENING.—The plan shall provide a process for the initial screening of an individual who appears to have some reasonable likelihood of being an individual with disabilities. Any such process shall require the provision of assistance to individuals who wish to apply but whose disability limits their ability to apply. The initial screening and the determination of disability (as defined under section 103(b)(1)) shall be conducted by a public agency.

(C) RESTRICTIONS.—

(i) IN GENERAL.—The plan may not limit the eligibility of individuals with disabilities based on—

(I) income;

(II) age;

(III) residential setting (other than with respect to an institutional setting, in accordance with clause (ii)); or

(IV) other grounds specified by the Secretary;

except that through fiscal year 2007, the Secretary may permit a State to limit eligibility based on level of disability or geography (if the State ensures a balance between urban and rural areas).

(ii) INSTITUTIONAL SETTING.—The plan may limit the eligibility of individuals with disabilities based on the definition of the term "institutional setting", as determined by the State.

(D) CONTINUATION OF SERVICES.—The plan must provide assurances that, in the case of an individual receiving medical assistance for home and community-based services under the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) as of the date a State's plan is approved under this title, the State will continue to make available (either under this plan, under the State medicaid plan, or otherwise) to such individual an appropriate level of assistance for home and community-based services, taking into account the level of assistance provided as of such date and the individual's need for home and community-based services.

(3) SERVICES.—

(A) NEEDS ASSESSMENT.—Not later than the end of the second year of implementation, the plan or its amendments shall include the results of a statewide assessment of the needs of individuals with disabilities in a format required by the Secretary. The needs assessment shall include demographic data concerning the number of individuals within each category of disability described in this title, and the services available to meet the needs of such individuals.

(B) SPECIFICATION.—Consistent with section 104, the plan shall specify—

(i) the services made available under the plan;

(ii) the extent and manner in which such services are allocated and made available to individuals with disabilities; and

(iii) the manner in which services under the plan are coordinated with each other and with health and long-term care services available outside the plan for individuals with disabilities.

(C) TAKING INTO ACCOUNT INFORMAL CARE.—A State plan may take into account, in determining the amount and array of services made available to covered individuals with disabilities, the availability of informal care. Any individual plan of care developed under section 104(b)(1)(B) that includes informal care shall be required to verify the availability of such care.

(D) ALLOCATION.—The State plan—

(i) shall specify how services under the plan will be allocated among covered individuals with disabilities;

(ii) shall attempt to meet the needs of individuals with a variety of disabilities within the limits of available funding;

(iii) shall include services that assist all categories of individuals with disabilities, regardless of their age or the nature of their disabling conditions;

(iv) shall demonstrate that services are allocated equitably, in accordance with the needs assessment required under subparagraph (A); and

(v) shall ensure that—

(I) the proportion of the population of low-income individuals with disabilities in the State that represents individuals with disabilities who are provided home and community-based services either under the plan, under the State medicaid plan, or under both, is not less than

(II) the proportion of the population of the State that represents individuals who are low-income individuals.

(E) LIMITATION ON LICENSURE OR CERTIFICATION.—The State may not subject consumer-directed providers of personal assistance services to licensure, certification, or other requirements that the Secretary finds not to be necessary for the health and safety of individuals with disabilities.

(F) CONSUMER CHOICE.—To the extent feasible, the State shall follow the choice of an individual with disabilities (or that individual's designated representative who may be a family member) regarding which covered services to receive and the providers who will provide such services.

(4) COST SHARING.—The plan may impose cost sharing with respect to covered services in accordance with section 105.

(5) TYPES OF PROVIDERS AND REQUIREMENTS FOR PARTICIPATION.—The plan shall specify—

(A) the types of service providers eligible to participate in the program under the plan, which shall include consumer-directed providers of personal assistance services, except that the plan—

(i) may not limit benefits to services provided by registered nurses or licensed practical nurses; and

(ii) may not limit benefits to services provided by agencies or providers certified under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.); and

(B) any requirements for participation applicable to each type of service provider.

(6) PROVIDER REIMBURSEMENT.—

(A) PAYMENT METHODS.—The plan shall specify the payment methods to be used to

reimburse providers for services furnished under the plan. Such methods may include retrospective reimbursement on a fee-for-service basis, prepayment on a capitation basis, payment by cash or vouchers to individuals with disabilities, or any combination of these methods. In the case of payment to consumer-directed providers of personal assistance services, including payment through the use of cash or vouchers, the plan shall specify how the plan will assure compliance with applicable employment tax and health care coverage provisions.

(B) PAYMENT RATES.—The plan shall specify the methods and criteria to be used to set payment rates for—

(i) agency administered services furnished under the plan; and

(ii) consumer-directed personal assistance services furnished under the plan, including cash payments or vouchers to individuals with disabilities, except that such payments shall be adequate to cover amounts required under applicable employment tax and health care coverage provisions.

(C) PLAN PAYMENT AS PAYMENT IN FULL.—The plan shall restrict payment under the plan for covered services to those providers that agree to accept the payment under the plan (at the rates established pursuant to subparagraph (B)) and any cost sharing permitted under section 105 as payment in full for services furnished under the plan.

(7) QUALITY ASSURANCE AND SAFEGUARDS.—The State plan shall provide for quality assurance and safeguards for applicants and beneficiaries in accordance with section 106.

(8) ADVISORY GROUP.—The State plan shall—

(A) assure the establishment and maintenance of an advisory group in accordance with section 107(b); and

(B) include the documentation prepared by the group under section 107(b)(4).

(9) ADMINISTRATION AND ACCESS.—

(A) STATE AGENCY.—The plan shall designate a State agency or agencies to administer (or to supervise the administration of) the plan.

(B) COORDINATION.—The plan shall specify how it will—

(i) coordinate services provided under the plan, including eligibility prescreening, service coordination, and referrals for individuals with disabilities who are ineligible for services under this title with the State medicaid plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), titles V and XX of such Act (42 U.S.C. 701 et seq. and 1397 et seq.), programs under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.), programs under the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6000 et seq.), programs under the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.), and any other Federal or State programs that provide services or assistance targeted to individuals with disabilities; and

(ii) coordinate with health plans.

(C) ADMINISTRATIVE EXPENDITURES.—Effective beginning with fiscal year 2007, the plan shall contain assurances that not more than 10 percent of expenditures under the plan for all quarters in any fiscal year shall be for administrative costs.

(D) INFORMATION AND ASSISTANCE.—The plan shall provide for a single point of access to apply for services under the State program for individuals with disabilities. Notwithstanding the preceding sentence, the plan may designate separate points of access to the State program for individuals under 22 years of age, for individuals 65 years of age or older, or for other appropriate classes of individuals.

(10) REPORTS AND INFORMATION TO SECRETARY; AUDITS.—The plan shall provide that the State will furnish to the Secretary—

(A) such reports, and will cooperate with such audits, as the Secretary determines are needed concerning the State's administration of its plan under this title, including the processing of claims under the plan; and

(B) such data and information as the Secretary may require in a uniform format as specified by the Secretary.

(11) USE OF STATE FUNDS FOR MATCHING.—The plan shall provide assurances that Federal funds will not be used to provide for the State share of expenditures under this title.

(12) HEALTH CARE WORKER REDEPLOYMENT.—The plan shall provide for the following:

(A) Before initiating the process of implementing the State program under such plan, negotiations will be commenced with labor unions representing the employees of the affected hospitals or other facilities.

(B) Negotiations under subparagraph (A) will address the following:

(i) The impact of the implementation of the program upon the workforce.

(ii) Methods to redeploy workers to positions in the proposed system, in the case of workers affected by the program.

(C) The plan will provide evidence that there has been compliance with subparagraphs (A) and (B), including a description of the results of the negotiations.

(13) TERMINOLOGY.—The plan shall adhere to uniform definitions of terms, as specified by the Secretary.

(b) APPROVAL OF PLANS.—The Secretary shall approve a plan submitted by a State if the Secretary determines that the plan—

(1) was developed by the State after a public comment period of not less than 30 days; and

(2) meets the requirements of subsection (a).

The approval of such a plan shall take effect as of the first day of the first fiscal year beginning after the date of such approval (except that any approval made before October 1, 1998, shall be effective as of such date). In order to budget funds allotted under this title, the Secretary shall establish a deadline for the submission of such a plan before the beginning of a fiscal year as a condition of its approval effective with that fiscal year. Any significant changes to the State plan shall be submitted to the Secretary in the form of plan amendments and shall be subject to approval by the Secretary.

(c) MONITORING.—The Secretary shall annually monitor the compliance of State plans with the requirements of this title according to specified performance standards. In accordance with section 108(e), States that fail to comply with such requirements may be subject to a reduction in the Federal matching rates available to the State under section 108(a) or the withholding of Federal funds for services or administration until such time as compliance is achieved.

(d) TECHNICAL ASSISTANCE.—The Secretary shall ensure the availability of ongoing technical assistance to States under this section. Such assistance shall include serving as a clearinghouse for information regarding successful practices in providing long-term care services.

(e) REGULATIONS.—The Secretary shall issue such regulations as may be appropriate to carry out this title on a timely basis.

SEC. 103. INDIVIDUALS WITH DISABILITIES DEFINED.

(a) IN GENERAL.—For purposes of this title, the term "individual with disabilities" means any individual within 1 or more of the following categories:

(1) INDIVIDUALS REQUIRING HELP WITH ACTIVITIES OF DAILY LIVING.—An individual of any age who—

(A) requires hands-on or standby assistance, supervision, or cueing (as defined in regulations) to perform 3 or more activities of daily living (as defined in subsection (d)); and

(B) is expected to require such assistance, supervision, or cueing for a chronic condition that will last at least 180 days.

(2) INDIVIDUALS WHO REQUIRE SUPERVISION DUE TO COGNITIVE OR OTHER MENTAL IMPAIRMENTS.—An individual of any age—

(A) who requires supervision to protect himself or herself from threats to health or safety due to impaired judgment, or who requires supervision due to symptoms of 1 or more serious behavioral problems (that is on a list of such problems specified by the Secretary); and

(B) who is expected to require such supervision for a chronic condition that will last at least 180 days.

Not later than 2 years after the date of enactment of this Act, the Secretary shall make recommendations regarding the most appropriate duration of disability under this paragraph.

(3) INDIVIDUALS WITH SEVERE OR PROFOUND MENTAL RETARDATION.—An individual of any age who has severe or profound mental retardation (as determined according to a protocol specified by the Secretary).

(4) INDIVIDUALS WITH MEDICAL MANAGEMENT NEEDS.—An individual of any age who due to a physical cognitive or other mental impairment requires assistance to manage his or her medical or nursing care (as determined by the Secretary).

(5) YOUNG CHILDREN WITH SEVERE DISABILITIES.—An individual under 6 years of age who—

(A) has a severe disability or chronic medical condition that limits functioning in a manner that is comparable in severity to the standards established under paragraphs (1), (2), or (3); and

(B) is expected to have such a disability or condition for at least 180 days.

The Secretary shall elaborate the criteria for children under 6 years of age based on an analysis of Phase I (1994) and II (1996) of the National Disability Survey.

(6) STATE OPTION WITH RESPECT TO INDIVIDUALS WITH COMPARABLE DISABILITIES.—Not more than 5 percent of a State's allotment for services under this title may be expended for the provision of services to individuals with severe disabilities and long-term medical or nursing needs that are comparable in severity to the criteria described in paragraphs (1) through (5), but who fail to meet the criteria in any single category under such paragraphs.

(b) DETERMINATION.—

(1) IN GENERAL.—In formulating eligibility criteria under subsection (a), the Secretary shall establish criteria for assessing the functional level of disability among all categories of individuals with disabilities that are comparable in severity, regardless of the age or the nature of the disabling condition of the individual. The determination of whether an individual is an individual with disabilities shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title and by using a uniform protocol consisting of an initial screening and a determination of disability specified by the Secretary. A State may not impose cost sharing with respect to a determination of disability.

A State may collect additional information, at the time of obtaining information to make such determination, in order to provide for the assessment and plan described in section 104(b) or for other purposes.

(2) PERIODIC REASSESSMENT.—The determination that an individual is an individual with disabilities shall be considered to be effective under the State plan for a period of not more than 6 months (or for such longer period in such cases as a significant change in an individual's condition that may affect such determination is unlikely). A reassessment shall be made if there is a significant change in an individual's condition that may affect such determination.

(c) ELIGIBILITY CRITERIA.—The Secretary shall reassess the validity of the eligibility criteria described in subsection (a) as new knowledge regarding the assessments of functional disabilities becomes available. The Secretary shall report to the Congress on its findings under the preceding sentence as determined appropriate by the Secretary.

(d) ACTIVITY OF DAILY LIVING DEFINED.—In this title, the term "activity of daily living" means any of the following: eating, toileting, dressing, bathing, and transferring.

(e) INDIVIDUALS WITH COGNITIVE OR OTHER MENTAL IMPAIRMENTS DEFINED.—In this title, the term "individuals with cognitive or other mental impairments" means an individual with Alzheimer's disease, dementia, autism, mental illness, mental retardation, congenital or acquired brain injury, or any other severe mental condition.

SEC. 104. HOME AND COMMUNITY-BASED SERVICES COVERED UNDER STATE PLAN.

(a) SPECIFICATION.—

(1) IN GENERAL.—Subject to the succeeding provisions of this section, the State plan under this title shall specify—

(A) the home and community-based services available under the plan to individuals with disabilities (or to such categories of such individuals); and

(B) any limits with respect to such services.

(2) FLEXIBILITY IN MEETING INDIVIDUAL NEEDS.—Subject to subsection (e)(2), such services may be delivered in an individual's home, a range of community residential arrangements, or outside the home.

(b) REQUIREMENT FOR NEEDS ASSESSMENT AND PLAN OF CARE.—

(1) IN GENERAL.—The State plan shall provide for home and community-based services to an individual with disabilities only if the following requirements are met:

(A) COMPREHENSIVE ASSESSMENT.—

(i) IN GENERAL.—A comprehensive assessment of an individual's need for home and community-based services (regardless of whether all needed services are available under the plan) shall be made in accordance with a uniform, comprehensive assessment tool that shall be used by a State under this paragraph with the approval of the Secretary. The comprehensive assessment shall be made by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title.

(ii) EXCEPTION.—The State may elect to waive the provisions of clause (i) if—

(I) with respect to any area of the State, the State has determined that there is an insufficient pool of entities willing to perform comprehensive assessments in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area; and

(II) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(B) INDIVIDUALIZED PLAN OF CARE.—

(i) IN GENERAL.—An individualized plan of care based on the assessment made under subparagraph (A) shall be developed by a public or nonprofit agency that is specified under the State plan and that is not a provider of home and community-based services under this title, except that the State may elect to waive the provisions of this sentence if, with respect to any area of the State, the State has determined there is an insufficient pool of entities willing to develop individualized plans of care in such area due to a low population of individuals eligible for home and community-based services under this title residing in the area, and the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(ii) REQUIREMENTS WITH RESPECT TO PLAN OF CARE.—A plan of care under this subparagraph shall—

(I) specify which services included under the individual plan will be provided under the State plan under this title;

(II) identify (to the extent possible) how the individual will be provided any services specified under the plan of care and not provided under the State plan;

(III) specify how the provision of services to the individual under the plan will be coordinated with the provision of other health care services to the individual; and

(IV) be reviewed and updated every 6 months (or more frequently if there is a change in the individual's condition).

The State shall make reasonable efforts to identify and arrange for services described in subclause (II). Nothing in this subsection shall be construed as requiring a State (under the State plan or otherwise) to provide all the services specified in such a plan.

(C) INVOLVEMENT OF INDIVIDUALS.—The individualized plan of care under subparagraph (B) for an individual with disabilities shall—

(i) be developed by qualified individuals (specified in subparagraph (B));

(ii) be developed and implemented in close consultation with the individual (or the individual's designated representative); and

(iii) be approved by the individual (or the individual's designated representative).

(c) REQUIREMENT FOR CARE MANAGEMENT.—

(1) IN GENERAL.—The State shall make available to each category of individuals with disabilities care management services that at a minimum include—

(A) arrangements for the provision of such services; and

(B) monitoring of the delivery of services.

(2) CARE MANAGEMENT SERVICES.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the care management services described in paragraph (1) shall be provided by a public or private entity that is not providing home and community-based services under this title.

(B) EXCEPTION.—A person who provides home and community-based services under this title may provide care management services if—

(i) the State determines that there is an insufficient pool of entities willing to provide such services in an area due to a low population of individuals eligible for home and community-based services under this title residing in such area; and

(ii) the State plan specifies procedures that the State will implement in order to avoid conflicts of interest.

(d) MANDATORY COVERAGE OF PERSONAL ASSISTANCE SERVICES.—The State plan shall include, in the array of services made available to each category of individuals with disabilities, both agency-administered and consumer-directed personal assistance services (as defined in subsection (h)).

(e) ADDITIONAL SERVICES.—

(1) TYPES OF SERVICES.—Subject to subsection (f), services available under a State plan under this title may include any (or all) of the following:

(A) Homemaker and chore assistance.

(B) Home modifications.

(C) Respite services.

(D) Assistive technology devices, as defined in section 3(2) of the Technology-Related Assistance for Individuals With Disabilities Act of 1988 (29 U.S.C. 2202(2)).

(E) Adult day services.

(F) Habilitation and rehabilitation.

(G) Supported employment.

(H) Home health services.

(I) Transportation.

(J) Any other care or assistive services specified by the State and approved by the Secretary that will help individuals with disabilities to remain in their homes and communities.

(2) CRITERIA FOR SELECTION OF SERVICES.—The State electing services under paragraph (1) shall specify in the State plan—

(A) the methods and standards used to select the types, and the amount, duration, and scope, of services to be covered under the plan and to be available to each category of individuals with disabilities; and

(B) how the types, and the amount, duration, and scope, of services specified, within the limits of available funding, provide substantial assistance in living independently to individuals within each of the categories of individuals with disabilities.

(f) EXCLUSIONS AND LIMITATIONS.—A State plan may not provide for coverage of—

(1) room and board;

(2) services furnished in a hospital, nursing facility, intermediate care facility for the mentally retarded, or other institutional setting specified by the Secretary; or

(3) items and services to the extent coverage is provided for the individual under a health plan or the medicare program.

(g) PAYMENT FOR SERVICES.—In order to pay for covered services, a State plan may provide for the use of—

(1) vouchers;

(2) cash payments directly to individuals with disabilities;

(3) capitation payments to health plans; and

(4) payment to providers.

(h) PERSONAL ASSISTANCE SERVICES.—

(1) IN GENERAL.—For purposes of this title, the term "personal assistance services" means those services specified under the State plan as personal assistance services and shall include at least hands-on and standby assistance, supervision, cueing with activities of daily living, and such instrumental activities of daily living as deemed necessary or appropriate, whether agency-administered or consumer-directed (as defined in paragraph (2)). Such services shall include services that are determined to be necessary to help all categories of individuals with disabilities, regardless of the age of such individuals or the nature of the disabling conditions of such individuals.

(2) CONSUMER-DIRECTED.—For purposes of this title:

(A) IN GENERAL.—The term "consumer-directed" means, with reference to personal assistance services or the provider of such services, services that are provided by an individual who is selected and managed (and, at the option of the service recipient, trained) by the individual receiving the services.

(B) STATE RESPONSIBILITIES.—A State plan shall ensure that where services are provided in a consumer-directed manner, the State shall create or contract with an entity, other than the consumer or the individual provider, to—

(i) inform both recipients and providers of rights and responsibilities under all applicable Federal labor and tax law; and

(ii) assume responsibility for providing effective billing, payments for services, tax withholding, unemployment insurance, and workers' compensation coverage, and act as the employer of the home care provider.

(C) RIGHT OF CONSUMERS.—Notwithstanding the State responsibilities described in subparagraph (B), service recipients, and, where appropriate, their designated representative, shall retain the right to independently select, hire, terminate, and direct (including manage, train, schedule, and verify services provided) the work of a home care provider.

(3) AGENCY ADMINISTERED.—For purposes of this title, the term "agency-administered" means, with respect to such services, services that are not consumer-directed.

SEC. 105. COST SHARING.

(a) NO COST SHARING FOR POOREST.—

(1) IN GENERAL.—The State plan may not impose any cost sharing for individuals with income (as determined under subsection (d)) less than 150 percent of the official poverty level applicable to a family of the size involved (referred to in paragraph (2)).

(2) OFFICIAL POVERTY LEVEL.—For purposes of paragraph (1), the term "official poverty level applicable to a family of the size involved" means, for a family for a year, the official poverty line (as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)) applicable to a family of the size involved.

(b) SLIDING SCALE FOR REMAINDER.—The State plan may impose cost sharing for individuals not described in subsection (a) in such form and manner as the State determines is appropriate.

(c) RECOMMENDATION OF THE SECRETARY.—The Secretary shall make recommendations to the States as to how to reduce cost-sharing for individuals with extraordinary out-of-pocket costs for whom the imposition of cost-sharing could jeopardize their ability to take advantage of the services offered under this title. The Secretary shall establish a methodology for reducing the cost-sharing burden for individuals with exceptionally high out-of-pocket costs under this title.

(d) DETERMINATION OF INCOME FOR PURPOSES OF COST SHARING.—The State plan shall specify the process to be used to determine the income of an individual with disabilities for purposes of this section. Such standards shall include a uniform Federal definition of income and any allowable deductions from income.

SEC. 106. QUALITY ASSURANCE AND SAFEGUARDS.

(a) QUALITY ASSURANCE.—

(1) IN GENERAL.—The State plan shall specify how the State will ensure and monitor the quality of services, including—

(A) safeguarding the health and safety of individuals with disabilities;

(B) setting the minimum standards for agency providers and how such standards will be enforced;

(C) setting the minimum competency requirements for agency provider employees who provide direct services under this title and how the competency of such employees will be enforced;

(D) obtaining meaningful consumer input, including consumer surveys that measure the extent to which participants receive the services described in the plan of care and participant satisfaction with such services;

(E) establishing a process to receive, investigate, and resolve allegations of neglect or abuse;

(F) establishing optional training programs for individuals with disabilities in the use and direction of consumer directed providers of personal assistance services;

(G) establishing an appeals procedure for eligibility denials and a grievance procedure for disagreements with the terms of an individualized plan of care;

(H) providing for participation in quality assurance activities; and

(I) specifying the role of the Long-Term Care Ombudsman (under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.)) and the protection and advocacy system (established under section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042)) in assuring quality of services and protecting the rights of individuals with disabilities.

(2) ISSUANCE OF REGULATIONS.—Not later than 1 year after the date of enactment of this Act, the Secretary shall issue regulations implementing the quality provisions of this subsection.

(b) FEDERAL STANDARDS.—The State plan shall adhere to Federal quality standards in the following areas:

(1) Case review of a specified sample of client records.

(2) The mandatory reporting of abuse, neglect, or exploitation.

(3) The development of a registry of provider agencies or home care workers and consumer directed providers of personal assistance services against whom any complaints have been sustained, which shall be available to the public.

(4) Sanctions to be imposed on States or providers, including disqualification from the program, if minimum standards are not met.

(5) Surveys of client satisfaction.

(6) State optional training programs for informal caregivers.

(c) CLIENT ADVOCACY.—

(1) IN GENERAL.—The State plan shall provide that the State will expend the amount allocated under section 109(b)(2) for client advocacy activities. The State may use such funds to augment the budgets of the Long-Term Care Ombudsman (under the Older Americans Act of 1965 (42 U.S.C. 3001 et seq.) and the protection and advocacy system (established under section 142 of the Developmental Disabilities Assistance and Bill of Rights Act (42 U.S.C. 6042)) or may establish a separate and independent client advocacy office in accordance with paragraph (2) to administer a new program designed to advocate for client rights.

(2) CLIENT ADVOCACY OFFICE.—

(A) IN GENERAL.—A client advocacy office established under this paragraph shall—

(i) identify, investigate, and resolve complaints that—

(I) are made by, or on behalf of, clients; and

(II) relate to action, inaction, or decisions, that may adversely affect the health, safety, welfare, or rights of the clients (including the welfare and rights of the clients with respect to the appointment and activities of guardians and representative payees), of—

(aa) providers, or representatives of providers, of long-term care services;

(bb) public agencies; or

(cc) health and social service agencies;

(ii) provide services to assist the clients in protecting the health, safety, welfare, and rights of the clients;

(iii) inform the clients about means of obtaining services provided by providers or agencies described in clause (i)(II) or services described in clause (ii);

(iv) ensure that the clients have regular and timely access to the services provided through the office and that the clients and complainants receive timely responses from representatives of the office to complaints; and

(v) represent the interests of the clients before governmental agencies and seek administrative, legal, and other remedies to protect the health, safety, welfare, and rights of the clients with regard to the provisions of this title.

(B) CONTRACTS AND ARRANGEMENTS.—

(i) IN GENERAL.—Except as provided in clause (ii), the State agency may establish and operate the office, and carry out the program, directly, or by contract or other arrangement with any public agency or nonprofit private organization.

(ii) LICENSING AND CERTIFICATION ORGANIZATIONS; ASSOCIATIONS.—The State agency may not enter into the contract or other arrangement described in clause (i) with an agency or organization that is responsible for licensing, certifying, or providing long-term care services in the State.

(d) SAFEGUARDS.—

(1) CONFIDENTIALITY.—The State plan shall provide safeguards that restrict the use or disclosure of information concerning applicants and beneficiaries to purposes directly connected with the administration of the plan.

(2) SAFEGUARDS AGAINST ABUSE.—The State plans shall provide safeguards against physical, emotional, or financial abuse or exploitation (specifically including appropriate safeguards in cases where payment for program benefits is made by cash payments or vouchers given directly to individuals with disabilities). All providers of services shall be required to register with the State agency.

(3) REGULATIONS.—Not later than October 1, 1998, the Secretary shall promulgate regulations with respect to the requirements on States under this subsection.

(e) SPECIFIED RIGHTS.—The State plan shall provide that in furnishing home and community-based services under the plan the following individual rights are protected:

(1) The right to be fully informed in advance, orally and in writing, of the care to be provided, to be fully informed in advance of any changes in care to be provided, and (except with respect to an individual determined incompetent) to participate in planning care or changes in care.

(2) The right to—

(A) voice grievances with respect to services that are (or fail to be) furnished without discrimination or reprisal for voicing grievances;

(B) be told how to complain to State and local authorities; and

(C) prompt resolution of any grievances or complaints.

(3) The right to confidentiality of personal and clinical records and the right to have access to such records.

(4) The right to privacy and to have one's property treated with respect.

(5) The right to refuse all or part of any care and to be informed of the likely consequences of such refusal.

(6) The right to education or training for oneself and for members of one's family or household on the management of care.

(7) The right to be free from physical or mental abuse, corporal punishment, and any physical or chemical restraints imposed for purposes of discipline or convenience and not included in an individual's plan of care.

(8) The right to be fully informed orally and in writing of the individual's rights.

(9) The right to a free choice of providers.

(10) The right to direct provider activities when an individual is competent and willing to direct such activities.

SEC. 107. ADVISORY GROUPS.

(a) FEDERAL ADVISORY GROUP.—

(1) ESTABLISHMENT.—The Secretary shall establish an advisory group, to advise the Secretary and States on all aspects of the program under this title.

(2) COMPOSITION.—The group shall be composed of individuals with disabilities and their representatives, providers, Federal and State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives.

(b) STATE ADVISORY GROUPS.—

(1) IN GENERAL.—Each State plan shall provide for the establishment and maintenance of an advisory group to advise the State on all aspects of the State plan under this title.

(2) COMPOSITION.—Members of each advisory group shall be appointed by the Governor (or other chief executive officer of the State) and shall include individuals with disabilities and their representatives, providers, State officials, and local community implementing agencies. A majority of its members shall be individuals with disabilities and their representatives. The members of the advisory group shall be selected from those nominated as described in paragraph (3).

(3) SELECTION OF MEMBERS.—Each State shall establish a process whereby all residents of the State, including individuals with disabilities and their representatives, shall be given the opportunity to nominate members to the advisory group.

(4) PARTICULAR CONCERNS.—Each advisory group shall—

(A) before the State plan is developed, advise the State on guiding principles and values, policy directions, and specific components of the plan;

(B) meet regularly with State officials involved in developing the plan, during the development phase, to review and comment on all aspects of the plan;

(C) participate in the public hearings to help assure that public comments are addressed to the extent practicable;

(D) report to the Governor and make available to the public any differences between the group's recommendations and the plan;

(E) report to the Governor and make available to the public specifically the degree to which the plan is consumer-directed; and

(F) meet regularly with officials of the designated State agency (or agencies) to provide advice on all aspects of implementation and evaluation of the plan.

SEC. 108. PAYMENTS TO STATES.

(a) IN GENERAL.—Subject to section 102(a)(9)(C) (relating to limitation on payment for administrative costs), the Secretary, in accordance with the Cash Management Improvement Act of 1990 (31 U.S.C. 6501 note), shall authorize payment to each State with a plan approved under this title, for each quarter (beginning on or after October 1, 1998), from its allotment under section 109(b), an amount equal to—

(1)(A) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that does not exceed 20 percent of the amount allotted to the State under section 109(b), 100 percent of such amount; and

(B) with respect to the amount demonstrated by State claims to have been expended during the year for home and community-based services under the plan for individuals with disabilities that exceeds 20 percent of the amount allotted to the State under section 109(b), the Federal home and community-based services matching percentage (as defined in subsection (b)) of such amount; plus

(2) an amount equal to 90 percent of the amount demonstrated by the State to have been expended during the quarter for quality assurance activities under the plan; plus

(3) an amount equal to 90 percent of the amount expended during the quarter under the plan for activities (including preliminary screening) relating to determinations of eligibility and performance of needs assessment; plus

(4) an amount equal to 90 percent (or, beginning with quarters in fiscal year 2007, 75 percent) of the amount expended during the quarter for the design, development, and installation of mechanical claims processing systems and for information retrieval; plus

(5) an amount equal to 50 percent of the remainder of the amounts expended during the quarter as found necessary by the Secretary for the proper and efficient administration of the State plan.

(b) FEDERAL HOME AND COMMUNITY-BASED SERVICES MATCHING PERCENTAGE.—In subsection (a), the term "Federal home and community-based services matching percentage" means, with respect to a State, the State's Federal medical assistance percentage (as defined in section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b))) increased by 15 percentage points, except that the Federal home and community-based services matching percentage shall in no case be more than 95 percent.

(c) PAYMENTS ON ESTIMATES WITH RETROSPECTIVE ADJUSTMENTS.—The method of computing and making payments under this section shall be as follows:

(1) The Secretary shall, prior to the beginning of each quarter, estimate the amount to be paid to the State under subsection (a) for such quarter, based on a report filed by the State containing its estimate of the total sum to be expended in such quarter, and such other information as the Secretary may find necessary.

(2) From the allotment available therefore, the Secretary shall provide for payment of the amount so estimated, reduced or increased, as the case may be, by any sum (not previously adjusted under this section) by which the Secretary finds that the estimate of the amount to be paid the State for any prior period under this section was greater or less than the amount that should have been paid.

(d) APPLICATION OF RULES REGARDING LIMITATIONS ON PROVIDER-RELATED DONATIONS AND HEALTH CARE-RELATED TAXES.—The provisions of section 1903(w) of the Social Security Act (42 U.S.C. 1396b(w)) shall apply to payments to States under this section in the same manner as they apply to payments to States under section 1903(a) of such Act (42 U.S.C. 1396b(a)).

(e) FAILURE TO COMPLY WITH STATE PLAN.—If a State furnishing home and community-based services under this title fails to comply with the State plan approved under this title, the Secretary may either reduce the Federal matching rates available to the State under subsection (a) or withhold an amount of funds determined appropriate by the Secretary from any payment to the State under this section.

SEC. 109. APPROPRIATIONS; ALLOTMENTS TO STATES.

(a) APPROPRIATIONS.—

(1) FISCAL YEARS 1999 THROUGH 2007.—Subject to paragraph (5)(C), for purposes of this title, the appropriation authorized under this title for each of fiscal years 1999 through 2007 is the following:

(A) For fiscal year 1999, $500,000,000.

(B) For fiscal year 2000, $750,000,000.

(C) For fiscal year 2001, $1,000,000,000.

(D) For fiscal year 2002, $1,500,000,000.

(E) For fiscal year 2003, $2,000,000,000.

(F) For fiscal year 2004, $2,500,000,000.

(G) For fiscal year 2005, $3,250,000,000.

(H) For fiscal year 2006, $4,000,000,000.

(I) For fiscal year 2007, $5,000,000,000.

(2) SUBSEQUENT FISCAL YEARS.—For purposes of this title, the appropriation authorized for State plans under this title for each fiscal year after fiscal year 2007 is the appropriation authorized under this subsection for the preceding fiscal year multiplied by—

(A) a factor (described in paragraph (3)) reflecting the change in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics for the fiscal year; and

(B) a factor (described in paragraph (4)) reflecting the change in the number of individuals with disabilities for the fiscal year.

(3) CPI MEDICAL CARE EXPENDITURE INCREASE FACTOR.—For purposes of paragraph (2)(A), the factor described in this paragraph for a fiscal year is the ratio of—

(A) the percentage increase or decrease, respectively, in the medical care expenditure category of the Consumer Price Index for All Urban Consumers (United States city average), published by the Bureau of Labor Statistics, for the preceding fiscal year, to—

(B) such increase or decrease, as so measured, for the second preceding fiscal year.

(4) DISABLED POPULATION FACTOR.—For purposes of paragraph (2)(B), the factor described in this paragraph for a fiscal year is 100 percent plus (or minus) the percentage increase (or decrease) change in the disabled population of the United States (as determined for purposes of the most recent update under subsection (b)(3)(D)).

(5) LEGISLATIVE PROPOSAL FOR ADDITIONAL FUNDS DUE TO MEDICAID OFFSETS.—

(A) IN GENERAL.—Not later than January 1, 1998, the Secretary shall submit to the appropriate committees of Congress a legislative proposal that, during the period beginning on October 1, 1998, and ending on September 30, 2007, for each fiscal year during such period, allocates among the States with plans approved under this title an amount equal to 75 percent of the Federal medicaid long-term care savings. The legislative proposal shall provide that funds shall be allocated to such States without requiring any State matching payments in order to receive such funds.

(B) FEDERAL MEDICAID LONG-TERM CARE SAVINGS DEFINED.—In subparagraph (A), the term 'Federal medicaid long-term care savings' means with respect to a fiscal year, the amount equal to the amount of Federal outlays that would have been made under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) during such fiscal year but for the provision of home and community-based services under the program under this title.

(b) ALLOTMENTS TO STATES.—

(1) IN GENERAL.—The Secretary shall allot the amounts available under the appropriation authorized for the fiscal year under paragraph (1) of subsection (a), to the States with plans approved under this title in accordance with an allocation formula developed by the Secretary that takes into account—

(A) the percentage of the total number of individuals with disabilities in all States that reside in a particular State;

(B) the per capita costs of furnishing home and community-based services to individuals with disabilities in the State; and

(C) the percentage of all individuals with incomes at or below 150 percent of the official poverty line (as described in section 105(a)(2)) in all States that reside in a particular State.

(2) ALLOCATION FOR CLIENT ADVOCACY ACTIVITIES.—Each State with a plan approved under this title shall allocate ½ of 1 percent of the State's total allotment under paragraph (1) for client advocacy activities as described in section 106(c).

(3) NO DUPLICATE PAYMENT.—No payment may be made to a State under this section for any services provided to an individual to the extent that the State received payment for such services under section 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)).

(4) REALLOCATIONS.—Any amounts allotted to States under this subsection for a year that are not expended in such year shall remain available for State programs under this title and may be reallocated to States as the Secretary determines appropriate.

(c) STATE ENTITLEMENT.—This title constitutes budget authority in advance of appropriations Acts, and represents the obligation of the Federal Government to provide for the payment to States of amounts described in subsection (a).

SEC. 110. FEDERAL EVALUATIONS.

Not later than December 31, 2004, December 31, 2007, and each December 31 thereafter, the Secretary shall provide to Congress analytical reports that evaluate—

(1) the extent to which individuals with low incomes and disabilities are equitably served;

(2) the adequacy and equity of service plans to individuals with similar levels of disability across States;

(3) the comparability of program participation across States, described by level and type of disability; and

(4) the ability of service providers to sufficiently meet the demand for services.

SEC. 111. INFORMATION AND TECHNICAL ASSISTANCE GRANTS RELATING TO DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

(a) FINDINGS.—Congress finds that—

(1) demonstration programs and projects have been developed to offer care management to hospitalized individuals awaiting discharge who are in need of long-term health care services that meet individual needs and preferences in home and community-based settings as an alternative to long-term nursing home care or institutional placement; and

(2) there is a need to disseminate information and technical assistance to hospitals and State and local community organizations regarding such programs and projects and to provide incentive grants to State and local public and private agencies, including area agencies on aging, to establish and expand programs that offer care management to individuals awaiting discharge from acute care hospitals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term placement in nursing homes or other institutional settings.

(b) DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE, AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.—Part C of title III of the Public Health Service Act (42 U.S.C. 248 et seq.) is amended by adding at the end the following:

"SEC. 327B. DISSEMINATION OF INFORMATION, TECHNICAL ASSISTANCE AND INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.

"(a) DISSEMINATION OF INFORMATION.—The Secretary shall compile, evaluate, publish, and disseminate to appropriate State and local officials and to private organizations and agencies that provide services to individuals in need of long-term health care services, such information and materials as may assist such entities in replicating successful programs that are aimed at offering care management to hospitalized individuals who are in need of long-term care so that services to meet individual needs and preferences can be arranged in home and community-based settings as an alternative to long-term nursing home placement. The Secretary may provide technical assistance to entities seeking to replicate such programs.

"(b) INCENTIVE GRANTS TO ASSIST IN THE DEVELOPMENT OF HOSPITAL LINKAGE PROGRAMS.—The Secretary shall establish a program under which incentive grants may be awarded to assist private and public agencies, including area agencies on aging, and organizations in developing and expanding programs and projects that facilitate the discharge of individuals in hospitals or other acute care facilities who are in need of long-term care services and placement of such individuals into home and community-based settings.

"(c) ADMINISTRATIVE PROVISIONS.—

"(1) ELIGIBLE ENTITIES.—To be eligible to receive a grant under subsection (b) an entity shall be—

"(A)(i) a State agency as defined in section 102(43) of the Older Americans Act of 1965 (42 U.S.C. 3002(43)); or

"(ii) a State agency responsible for administering home and community care programs under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.); or

"(B) if no State agency described in subparagraph (A) applies with respect to a particular State, a public or nonprofit private entity.

"(2) APPLICATIONS.—To be eligible to receive an incentive grant under subsection (b), an entity shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including—

"(A) an assessment of the need within the community to be served for the establishment or expansion of a program to facilitate the discharge of individuals in need of long-term care who are in hospitals or other acute care facilities into home and community-care programs that provide individually planned, flexible services that reflect individual choice or preference rather than nursing home or institutional settings;

"(B) a plan for establishing or expanding a program for identifying individuals in hospital or acute care facilities who are in need of individualized long-term care provided in home and community-based settings rather than nursing homes or other institutional settings and undertaking the planning and management of individualized care plans to facilitate discharge into such settings;

"(C) assurances that nongovernmental case management agencies funded under grants awarded under this section are not direct providers of home and community-based services;

"(D) satisfactory assurances that adequate home and community-based long term care services are available, or will be made available, within the community to be served so that individuals being discharged from hospitals or acute care facilities under the proposed program can be served in such home and community-based settings, with flexible, individualized care that reflects individual choice and preference;

"(E) a description of the manner in which the program to be administered with amounts received under the grant will be continued after the termination of the grant for which such application is submitted; and

"(F) a description of any waivers or approvals necessary to expand the number of individuals served in federally funded home and community-based long term care programs in order to provide satisfactory assurances that adequate home and community-based long term care services are available in the community to be served.

"(3) AWARDING OF GRANTS.—

"(A) PREFERENCES.—In awarding grants under subsection (b), the Secretary shall give preference to entities submitting applications that—

"(i) demonstrate an ability to coordinate activities funded using amounts received under the grant with programs providing individualized home and community-based case management and services to individuals in need of long term care with hospital discharge planning programs; and

"(ii) demonstrate that adequate home and community-based long term care management and services are available, or will be made available to individuals being served under the program funded with amounts received under subsection (b).

"(B) DISTRIBUTION.—In awarding grants under subsection (b), the Secretary shall ensure that such grants—

"(i) are equitably distributed on a geographic basis;

"(ii) include projects operating in urban areas and projects operating in rural areas; and

"(iii) are awarded for the expansion of existing hospital linkage programs as well as the establishment of new programs.

"(C) EXPEDITED CONSIDERATION.—The Secretary shall provide for the expedited consideration of any waiver application that is necessary under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) to enable an applicant for a grant under subsection (b) to satisfy the assurance required under paragraph (1)(D).

"(4) USE OF GRANTS.—An entity that receives amounts under a grant under subsection (b) may use such amounts for planning, development and evaluation services and to provide reimbursements for the costs of one or more case mangers to be located in or assigned to selected hospitals who would—

"(A) identify patients in need of individualized care in home and community-based long-term care;

"(B) assess and develop care plans in cooperation with the hospital discharge planning staff; and

"(C) arrange for the provision of community care either immediately upon discharge from the hospital or after any short term

nursing-home stay that is needed for recuperation or rehabilitation;

"(5) DIRECT SERVICES SUBJECT TO REIMBURSEMENTS.—None of the amounts provided under a grant under this section may be used to provide direct services, other than case management, for which reimbursements are otherwise available under title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. and 1396 et seq.).

"(6) LIMITATIONS.—

"(A) TERM.—Grants awarded under this section shall be for terms of less than 3 years.

"(B) AMOUNT.—Grants awarded to an entity under this section shall not exceed $300,000 per year. The Secretary may waive the limitation under this subparagraph where an applicant demonstrates that the number of hospitals or individuals to be served under the grant justifies such increased amounts.

"(C) SUPPLANTING OF FUNDS.—Amounts awarded under a grant under this section may not be used to supplant existing State funds that are provided to support hospital link programs.

"(d) EVALUATION AND REPORTS.—

"(1) BY GRANTEES.—An entity that receives a grant under this section shall evaluate the effectiveness of the services provided under the grant in facilitating the placement of individuals being discharged from hospitals or acute care facilities into home and community-based long term care settings rather than nursing homes. Such entity shall prepare and submit to the Secretary a report containing such information and data concerning the activities funded under the grant as the Secretary determines appropriate.

"(2) BY SECRETARY.—Not later than the end of the third fiscal year for which funds are appropriated under subsection (e), the Secretary shall prepare and submit to the appropriate committees of Congress, a report concerning the results of the evaluations and reports conducted and prepared under paragraph (1).

"(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section, $5,000,000 for each of the fiscal years 1998 through 2000.".

TITLE II—PROSPECTIVE PAYMENT SYSTEM FOR NURSING FACILITIES

SEC. 201. DEFINITIONS.

In this title:

(1) ACUITY PAYMENT.—The term "acuity payment" means a fixed amount that will be added to the facility-specific prices for certain resident classes designated by the Secretary as requiring heavy care.

(2) AGGREGATED RESIDENT INVOICE.—The term "aggregated resident invoice" means a compilation of the per resident invoices of a nursing facility which contain the number of resident days for each resident and the resident class of each resident at the nursing facility during a particular month.

(3) ALLOWABLE COSTS.—The term "allowable costs" means costs which HCFA has determined to be necessary for a nursing facility to incur according to the Provider Reimbursement Manual (in this title referred to as "HCFA-Pub. 15").

(4) BASE YEAR.—The term "base year" means the most recent cost reporting period (consisting of a period which is 12 months in length, except for facilities with new owners, in which case the period is not less than 4 months and not more than 13 months) for which cost data of nursing facilities is available to be used for the determination of a prospective rate.

(5) CASE MIX WEIGHT.—The term "case mix weight" means the total case mix score of a facility calculated by multiplying the resident days in each resident class by the relative weight assigned to each resident class, and summing the resulting products across all resident classes.

(6) COMPLEX MEDICAL EQUIPMENT.—The term "complex medical equipment" means items such as ventilators, intermittent positive pressure breathing machines, nebulizers, suction pumps, continuous positive airway pressure devices, and bead beds such as air fluidized beds.

(7) DISTINCT PART NURSING FACILITY.—The term "distinct part nursing facility" means an institution which has a distinct part that is certified under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and meets the requirements of section 201.1 of the Skilled Nursing Facility Manual published by HCFA (in this title referred to as "HCFA-Pub. 12").

(8) EFFICIENCY INCENTIVE.—The term "efficiency incentive" means a payment made to a nursing facility in recognition of incurring costs below a prespecified level.

(9) FIXED EQUIPMENT.—The term "fixed equipment" means equipment which meets the definition of building equipment in section 104.3 of HCFA-Pub. 15, including attachments to buildings such as wiring, electrical fixtures, plumbing, elevators, heating systems, and air conditioning systems.

(10) GEOGRAPHIC CEILING.—The term "geographic ceiling" means a limitation on payments in any given cost center for nursing facilities in 1 of no fewer than 8 geographic regions, further subdivided into rural and urban areas, as designated by the Secretary.

(11) HCFA.—The term "HCFA" means the Health Care Financing Administration.

(12) HEAVY CARE.—The term "heavy care" means an exceptionally high level of care which the Secretary has determined is required for residents in certain resident classes.

(13) INDEXED FORWARD.—The term "indexed forward" means an adjustment made to a per diem rate to account for cost increases due to inflation or other factors during an intervening period following the base year and projecting such cost increases for a future period in which the rate applies. Indexing forward under this title shall be determined from the midpoint of the base year to the midpoint of the rate year.

(14) MDS.—The term "MDS" means a resident assessment instrument, currently recognized by HCFA, any extensions to MDS, and any extensions to accommodate subacute care which contain an appropriate core of assessment items with definitions and coding categories needed to comprehensively assess a nursing facility resident.

(15) MAJOR MOVABLE EQUIPMENT.—The term "major movable equipment" means equipment that meets the definition of major movable equipment in section 104.4 of HCFA-Pub. 15.

(16) NURSING FACILITY.—The term "nursing facility" means an institution that meets the requirements of a "skilled nursing facility" under section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)) and of a "nursing facility" under section 1919(a) of that Act (42 U.S.C. 1396r(a)).

(17) PER BED LIMIT.—The term "per bed limit" means a per-bed ceiling on the fair asset value of a nursing facility for 1 of the geographic regions designated by the Secretary.

(18) PER DIEM RATE.—The term "per diem rate" refers to a rate of payment for the costs of covered services for a resident day.

(19) RELATIVE WEIGHT.—The term "relative weight" means the index of the value of the resources required for a given resident class relative to the value of resources of either a base resident class or the average of all the resident classes.

(20) R.S. MEANS INDEX.—The term "R.S. Means Index" means the index of the R. S. Means Company, Inc., specific to commercial or industrial institutionalized nursing facilities, that is based upon a survey of prices of common building materials and wage rates for nursing facility construction.

(21) REBASE.—The term "rebase" means the process of updating nursing facility cost data for a subsequent rate year using a more recent base year.

(22) RENTAL RATE.—The term "rental rate" means a percentage that will be multiplied by the fair asset value of property to determine the total annual rental payment in lieu of property costs.

(23) RESIDENT CLASSIFICATION SYSTEM.—The term "resident classification system" means a system that categorizes residents into different resident classes according to similarity of their assessed condition and required services of the residents.

(24) RESIDENT DAY.—The term "resident day" means the period of services for 1 resident, regardless of payment source, for 1 continuous 24 hours of services. The day of admission of the resident constitutes a resident day but the day of discharge does not constitute a resident day. Bed hold days are not to be considered resident days, and bed hold day revenues are not to be offset.

(25) RESOURCE UTILIZATION GROUPS, VERSION III.—The term "Resource Utilization Groups, Version III" (in this title referred to as "RUG–III") refers to a category-based resident classification system used to classify nursing facility residents into mutually exclusive RUG–III groups. Residents in each RUG–III group utilize similar quantities and patterns of resources.

(26) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(27) SUBACUTE CARE.—The term "subacute care" means comprehensive inpatient care designed for an individual that has an acute illness, injury, or exacerbation of a disease process. The care is goal oriented treatment rendered immediately after, or instead of, acute hospitalization to treat 1 or more specific active complex medical conditions or to administer 1 or more technically complex treatments, in the context of a person's underlying long-term conditions and overall situation. In most cases, the individual's condition is such that the care does not depend heavily on high technology monitoring or complex diagnostic procedures. Subacute care requires the coordinated services of an interdisciplinary team including physicians, nurses, and other relevant professional disciplines, who are trained and knowledgeable to assess and manage these specific conditions and perform the necessary procedures. Subacute care is given as part of a specifically defined program, regardless of the site. Subacute care is generally more intensive than traditional nursing facility care and less than acute care. It requires frequent (daily to weekly) recurrent patient assessment and review of the clinical course and treatment plan for a limited (several days to several months) time period, until the condition is stabilized or a predetermined treatment course is completed.

SEC. 202. PAYMENT OBJECTIVES.

Payment rates under the Prospective Payment System for nursing facilities shall reflect the following objectives:

(1) To maintain an equitable and fair balance between cost containment and quality of care in nursing facilities.

(2) To encourage nursing facilities to admit residents without regard to such residents' source of payment.

(3) To provide an incentive to nursing facilities to admit and provide care to persons in need of comparatively greater care, including those in need of subacute care.

(4) To maintain administrative simplicity, for both nursing facilities and the Secretary.

(5) To encourage investment in buildings and improvements to nursing facilities (capital formation) as necessary to maintain quality and access.

SEC. 203. POWERS AND DUTIES OF THE SECRETARY.

(a) RULES AND REGULATIONS.—The Secretary shall establish by regulation all rules and regulations necessary for implementation of this title. The rates determined under this title shall be determined in a budget neutral manner and shall reflect the objectives described in section 202 of this title.

(b) FILING REQUIREMENTS.—The Secretary may require that each nursing facility file such data, statistics, schedules, or information as required to enable the Secretary to implement this title.

SEC. 204. RELATIONSHIP TO TITLE XVIII OF THE SOCIAL SECURITY ACT.

(a) IN GENERAL.—No provision in this title shall replace, or otherwise affect, the skilled nursing facility benefit under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(b) PROVISIONS OF HCFA–15.—The provisions of HCFA–Pub. 15 shall apply to the determination of allowable costs under this title except to the extent that such provisions conflict with any other provision in this title.

SEC. 205. ESTABLISHMENT OF RESIDENT CLASSIFICATION SYSTEM.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary shall establish a resident classification system which shall group residents into classes according to similarity of their assessed condition and required services.

(2) MODEL FOR SYSTEM.—The resident classification system shall be modelled after the RUG–III system and all updated versions of that system, and shall be expanded into subacute categories and costs of care.

(3) REFLECTIVE OF CERTAIN TIME AND COSTS.—The resident classification system shall reflect of the necessary professional and paraprofessional nursing staff time and costs required to address the care needs of nursing facility residents.

(b) RELATIVE WEIGHT FOR EACH RESIDENT CLASS.—

(1) IN GENERAL.—The Secretary shall assign a relative weight for each resident class based on the relative value of the resources required for each resident class. If the Secretary determines it to be appropriate, the assignment of relative weights for resident classes shall be developed for each geographic region as determined in accordance with subsection (c).

(2) UTILIZATION OF MDSS.—In assigning the relative weights of the resident classes in a geographic region, the Secretary shall utilize information derived from the most recent MDSs of all the nursing facilities in a geographic region.

(3) RECALIBRATED EVERY 3 YEARS.—Every 3 years the Secretary shall recalibrate the relative weights of the resident classes in each geographic region based on any changes in the cost or amount of resources required for the care of a resident in the resident class.

(c) GEOGRAPHIC REGIONS; PEER GROUPINGS.—

(1) GEOGRAPHIC REGIONS.—The Secretary shall designate at least 3 geographic regions for the total United States. Within each geographic region, the Secretary shall take appropriate account of variations in cost between urban and rural areas.

(2) PEER GROUPING.—The Secretary shall ensure that there are no peer grouping of nursing facilities based on facility size or whether the nursing facilities are hospital-based or not.

SEC. 206. COST CENTERS FOR NURSING FACILITY PAYMENT.

(a) PAYMENT RATES.—Consistent with the objectives described in section 202 of this title, the Secretary shall determine payment rates for nursing facilities using the following cost/service groupings:

(1) The nursing service cost center shall include salaries and wages for the Director of Nursing, quality assurance nurses, registered nurses, licensed practical nurses, nurse aides (including wages related to initial and ongoing nurse aid training and other ongoing or periodic training costs incurred by nursing personnel), contract nursing, fringe benefits and payroll taxes associated therewith, medical records, and nursing supplies.

(2) The administrative and general cost center shall include all expenses (including salaries, benefits, and other costs) related to administration, plant operation, maintenance and repair, housekeeping, dietary (excluding raw food), central services and supply (excluding medical or nursing supplies), laundry, and social services, excluding overhead allocations to ancillary services.

(3) Ancillary services that are paid on a fee-for-service basis shall include physical therapy, occupational therapy, speech therapy, respiratory therapy, and hyperalimentation. The fee-for-service ancillary service payments under part A of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) shall not affect the reimbursement of ancillary services under part B of title XVIII of that Act (42 U.S.C. 1395j et seq.).

(4) The cost center for selected ancillary services and other costs shall include drugs, raw food, IV therapy, x-ray services, laboratory services, property tax, property insurance, and all other costs not included in the other 4 cost-of-service groupings.

(5) The property cost center shall include depreciation on the buildings and fixed equipment, major movable equipment, motor vehicles, land improvements, amortization of leasehold improvements, lease acquisition costs, capital leases, interest on capital indebtedness, mortgage interest, lease costs, and equipment rental expense.

(b) PER DIEM RATE.—The Secretary shall pay nursing facilities a prospective, facility-specific, per diem rate based on the sum of the per diem rates established for the nursing service, administrative and general, and property cost centers.

(c) FACILITY-SPECIFIC PROSPECTIVE RATE.—The Secretary shall pay nursing facilities a facility-specific prospective rate for each unit of the fee-for-service ancillary services as determined in accordance with section 210 of this title.

(d) REIMBURSEMENT FOR SELECTIVE ANCILLARY SERVICES.—Nursing facilities shall be reimbursed by the Secretary for selected ancillary services and other costs on a retrospective basis in accordance with section 211 of this title.

SEC. 207. RESIDENT ASSESSMENT.

(a) IN GENERAL.—In order to be eligible for payments under this title, a nursing facility shall perform a resident assessment in accordance with section 1819(b)(3) of the Social Security Act (42 U.S.C. 1395i–3(b)(3)) within 14 days of admission of the resident and at such other times as required by that section.

(b) RESIDENT CLASS.—The resident assessment shall be used to determine the resident class of each resident in the nursing facility for purposes of determining the per diem rate for the nursing service cost center in accordance with section 208 of this title.

SEC. 208. THE PER DIEM RATE FOR NURSING SERVICE COSTS.

(a) IN GENERAL.—

(1) NURSING SERVICE COST CENTER RATE.—The Secretary shall calculate the nursing service cost center rate using a prospective, facility-specific per diem rate based on the nursing facility's case-mix weight and nursing service costs during the base year.

(2) CASE-MIX WEIGHT.—For purposes of paragraph (1), the case-mix weight of a nursing facility shall be obtained by multiplying the number of resident days in each resident class at a nursing facility during the base year by the relative weight assigned to each resident class in the appropriate geographic region. Once this calculation is performed for each resident class in the nursing facility, the sum of these products shall constitute the case-mix weight for the nursing facility.

(3) FACILITY NURSING UNIT VALUE.—A facility nursing unit value for the nursing facility for the base year shall be obtained by dividing the nursing service costs for the base year, which shall be indexed forward from the midpoint of the base period to the midpoint of the rate period using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, by the case-mix weight of the nursing facility for the base year.

(4) FACILITY-SPECIFIC NURSING SERVICES PRICE.—A facility-specific nursing services price for each resident class shall be obtained my multiplying the lower of the indexed facility unit value of the nursing facility during the base year or the geographic ceiling, as determined in accordance with subsection (b), by the relative weight of the resident class.

(5) PATIENT CLASSIFICATIONS.—For patient classifications associated with the use of complex medical equipment and other specialized, noncustomary equipment (particularly subacute classifications), the Secretary shall provide for a daily allowance for such equipment based upon the amortized value of such equipment over the life of the equipment.

(6) SELECTED RESIDENT CLASSIFICATIONS.—For selected resident classifications (particularly subacute classifications) requiring additional or specialized medical administrative staff, the Secretary shall provide for a daily allowance to cover these costs.

(7) DESIGNATION OF CERTAIN RESIDENT CLASSES.—The Secretary shall designate certain resident classes, such as subacute resident classes, as requiring heavy care. An acuity payment of 3 percent of the facility-specific nursing services price shall be added to the facility-specific price for each resident that the Secretary has designated as requiring heavy care.

(8) PER DIEM RATE.—The per diem rate for the nursing service cost center for each resident in a resident class shall constitute the

facility-specific price, plus the acuity payment where appropriate.

(9) PER DIEM RATE REBASED ANNUALLY.—The Secretary shall annually rebate the per diem rate for the nursing service cost center, including the facility-specific price and the acuity payment.

(10) PAYMENT.—To determine the payment amount to a nursing facility for the nursing service cost center, the Secretary shall multiply the per diem rate (including the acuity payment) for a resident class by the number of resident days for each resident class based on aggregated resident invoices which each nursing facility shall submit on a monthly basis.

(b) GEOGRAPHIC CEILING.—

(1) FACILITY UNIT VALUE.—The facility unit value identified in subsection (a)(3) shall be subjected to geographic ceilings established for the geographic regions designated by the Secretary in section 205 of this title.

(2) DETERMINATION.—

(A) IN GENERAL.—The Secretary shall determine the geographic ceiling by creating an array of indexed facility unit values in a geographic region from lowest to highest. Based on this array, the Secretary shall identify a fixed proportion between the indexed facility unit value of the nursing facility which contained the medianth resident day in the array (except as provided in subsection (b)(4) of this section) and the indexed facility unit value of the nursing facility which contained the 95th percentile resident day in that array during the first year of operation of the Prospective Payment System for nursing facilities. The fixed proportion shall remain the same in subsequent years.

(B) SUBSEQUENT YEARS.—To obtain the geographic ceiling on the indexed facility unit value for nursing facilities in a geographic region in each subsequent year, the fixed proportion identified pursuant to subparagraph (A) shall be multiplied by the indexed facility unit value of the nursing facility which contained the medianth resident day in the array of facility unit values for the geographic region during the base year.

(3) EXCLUSIONS FROM DETERMINATION.—For purposes of determining the geographic ceiling for a nursing service cost center, the Secretary shall exclude low volume and new nursing facilities (as defined in section 214 of this title).

(c) EXCEPTIONS TO GEOGRAPHIC CEILING.—The Secretary shall establish by regulation procedures for allowing exceptions to the geographic ceiling imposed on a nursing service cost center. The procedure shall permit exceptions based on the following factors:

(1) Local supply or labor shortages which substantially increase costs to specific nursing facilities.

(2) Higher per resident day usage of contract nursing personnel, if utilization of contract nursing personnel is warranted by local circumstances and the provider has taken all reasonable measures to minimize contract personnel expense.

(3) Extraordinarily low proportion of distinct part nursing facilities in a geographic region resulting in a geographic ceiling that unfairly restricts the reimbursement of distinct part facilities.

(4) Regulatory changes that increase costs to only a subset of the nursing facility industry.

(5) The offering of a new institutional health service or treatment program by a nursing facility (in order to account for initial startup costs).

(6) Disproportionate usage of part-time employees, where adequate numbers of full-time employees cannot reasonably be obtained.

(7) Other cost producing factors specified by the Secretary in regulations that are specific to a subset of facilities in a geographic region (except case-mix variation).

SEC. 209. THE PER DIEM RATE FOR ADMINISTRATIVE AND GENERAL COSTS.

(a) IN GENERAL.—

(1) PAYMENT.—The Secretary shall make payments for the administrative and general cost center by using a facility-specific, prospective, per diem rate.

(2) STANDARDS FOR PER DIEM RATE.—The Secretary shall assign a per diem rate to a nursing facility by applying 2 standards that is calculated as follows:

(A) STANDARD A.—The Secretary shall determine a Standard A for each geographic region by creating an array of indexed nursing facility administrative and general per diem costs from lowest to highest. The Secretary shall then identify a fixed proportion by dividing the indexed administrative and general per diem costs of the nursing facility that contains the medianth resident day of the array (except as provided in subsection (a)(4)) into the indexed administrative and general per diem costs of the nursing facility that contains the 75th percentile resident day in that array. Standard A for each base year shall constitute the product of this fixed proportion and the administrative and general indexed per diem costs of the nursing facility that contains the medianth resident day in the array of such costs during the base year.

(B) STANDARD B.—The Secretary shall determine a Standard B for each geographic region by using the same calculation as in subparagraph (A) except that the fixed proportion shall use the indexed administrative and general costs of the nursing facility containing the 85th percentile, rather than the 75th percentile, resident day in the array of such costs.

(3) GEOGRAPHIC REGIONS.—The Secretary shall use the geographic regions identified in section 205(c) of this title for purposes of determining Standards A and B.

(4) EXCLUSION.—The Secretary shall exclude low volume and new nursing facilities (as defined in section 214 of this title) for purposes of determining Standard A and Standard B.

(5) PER DIEM RATE.—To determine a nursing facility's per diem rate for the administrative and general cost center, Standards A and B shall be applied to a nursing facility's administrative and general per diem costs, indexed forward using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, as follows:

(A) Each nursing facility having indexed costs which are below the median shall be assigned a rate equal to their individual indexed costs plus an "efficiency incentive" equal to ½ of the difference between the median and Standard A.

(B) Each nursing facility having indexed costs which are below Standard A but are equal to or exceed the median shall be assigned a per diem rate equal to their individual indexed costs plus an "efficiency incentive" equal to ½ of the difference between the nursing facility's indexed costs and Standard A.

(C) Each nursing facility having indexed costs which are between Standard A and Standard B shall be assigned a rate equal to Standard A plus ½ of the difference between the nursing facility's indexed costs and Standard A.

(D) Each nursing facility having indexed costs which exceed Standard B shall be assigned a rate as if their costs equaled Standard B. These nursing facilities shall be assigned a per diem rate equal to Standard A plus ½ of the difference between Standard A and Standard B.

(E) For purposes of subparagraphs (A) through (D), the median represents the indexed administrative and general per diem costs of a nursing facility that contains the medianth resident day in the array of such costs during the base year in the geographic region.

(b) REBASING.—Not less than annually, the Secretary shall rebase the payment rates for administrative and general costs.

SEC. 210. PAYMENT FOR FEE-FOR-SERVICE ANCILLARY SERVICES.

(a) IN GENERAL.—The Secretary shall make payments for the ancillary services described in section 206(a)(3) on a prospective fee-for-service basis.

(b) PAYMENT METHODOLOGY.—The Secretary shall identify the fee for each of the fee-for-service ancillary services for a particular nursing facility by dividing the nursing facility's reasonable costs, including overhead allocated through the cost finding process, of providing each particular service, indexed forward using the DRI McGraw-Hill HCFA Nursing Home Without Capital Market Basket, by the units of the particular service provided by the nursing facility during the cost year.

(c) COMPUTATION PERIOD.—The fee for each of the fee-for-service ancillary services shall be calculated by the Secretary under this title at least once a year for each facility and ancillary service.

SEC. 211. REIMBURSEMENT OF SELECTED ANCILLARY SERVICES AND OTHER COSTS.

(a) IN GENERAL.—Reimbursement of selected ancillary services and other costs identified in section 206(a)(4) of this title shall be reimbursed by the Secretary on a retrospective basis as pass-through costs, including overhead allocated through the cost-finding process.

(b) CHARGE-BASED INTERIM RATES.—The Secretary shall set charge-based interim rates for selected ancillary services and other costs for each nursing facility providing such services. Any overpayments or underpayments resulting from the difference between the interim and final settlement rates shall be either refunded by the nursing facility or paid to the nursing facility following submission of a timely filed medicare cost report.

SEC. 212. PER DIEM PAYMENT FOR PROPERTY COSTS.

(a) IN GENERAL.—The Secretary shall make a per diem payment for property costs based on a gross rental system. The amount of the payment shall be determined as follows:

(1) BUILDING AND FIXED EQUIPMENT VALUE.—In the case of a new facility in any geographic region, the cost for building and fixed equipment used in determining the gross rental shall be equivalent to the median cost of home construction in the region (as measured by RS Means). Such cost shall then be multiplied by the factor 1.2 to account for land and the value of movable equipment. The resulting value shall be indexed each year using the RS Means Construction Cost Index.

(2) AGE.—

(A) IN GENERAL.—The gross rental system establishes a facility's value based on its age. The older the facility, the less its value. Additions, replacements, and renovations shall be recognized by lowering the age of the facility and, thus, increasing the facility's value. Existing facilities, 1 year or older,

shall be valued at the new bed value less 2 percent per year according to the "age" of the facility. Facilities shall not be depreciated to an amount less than 50 percent of the new construction bed value.

(B) ADDITION OF BEDS.—The addition of beds shall require a computation by the Secretary of the weighted average age of the facility based on the construction dates of the original facility and the additions.

(C) REPLACEMENT OF BEDS.—The replacement of existing beds shall result in an adjustment to the age of the facility. A weighted average age shall be calculated by the Secretary according to the year of initial construction and the year of bed replacement. If a facility has a series of additions or replacements, the Secretary shall assume that the oldest beds are the ones being replaced when computing the average facility age.

(D) RENOVATIONS OR MAJOR IMPROVEMENTS.—Renovations or major improvements shall be calculated by the Secretary as a bed replacement, except that the value of the bed prior to renovation shall be taken into consideration. To qualify as a bed replacement, the bed being renovated must be at least 10 years old and the renovation or improvements cost must be equal to or greater than the difference between the existing bed value and the value of a new bed. To determine the new adjusted facility age, the number of renovated beds assigned a "new" age is determined by dividing the total cost of renovation by the difference between the existing bed value and the value of the new bed.

(E) STARTUP OF GROSS RENTAL SYSTEM.—To start up the fair rental system, each facility's bed values shall be determined by the Secretary based on the age of the facility. The determination shall include setting a value for the original beds with adjustments for any additions, bed replacements, and major renovations. For determination of bed values for use in determining the initial rate, the procedures described above for determining the values of original beds, additions, and replacements shall be used.

(3) TOTAL CURRENT VALUE.—The Secretary shall multiply the per bed value by the number of beds in the facility to estimate the facility's total current value.

(4) RENTAL FACTOR.—The Secretary shall apply a rental factor to the facility's total current value to estimate its annual gross rental value. The Secretary shall determine the rental factor by using the Treasury Bond Composite Yield (greater than 10 years) as published in the Federal Reserve Bulletin plus a risk premium. A risk premium in the amount of 3 percentage points shall be added to the Treasury Yield. The rental factor is multiplied by the facility's total value, as determined in paragraph (3), to determine the annual gross rental value.

(5) PER DIEM PROPERTY PAYMENT.—The annual gross rental value shall be divided by the Secretary by 90 percent of the facility's annual licensed bed days during the cost report period to arrive at the per diem property payment.

(6) PER RESIDENT DAY RENTAL RATE.—The per resident day rental rate for a newly constructed facility during its first year of operation shall be based on the total annual rental divided by the greater of 50 percent of available resident days or actual annualized resident days up to 90 percent of annual licensed bed days during the first year of operation.

(b) Facilities in operation prior to the effective date of this Act shall receive the per resident day rental or actual costs, as determined in accordance with HCFA-Pub. 15, whichever is greater, except that a nursing facility shall be reimbursed the per resident day rental on and after the earliest of the following dates:

(1) the date upon which the nursing facility changes ownership;

(2) the date the nursing facility accepts the per resident day rental; or

(3) the date of the renegotiation of the lease for the land or buildings, not including the exercise of optional extensions specifically included in the original lease agreement or valid extensions thereof.

SEC. 213. MID-YEAR RATE ADJUSTMENTS.

(a) MID-YEAR ADJUSTMENTS.—The Secretary shall establish by regulation a procedure for granting mid-year rate adjustments for the nursing service, administrative and general, and fee-for-service ancillary services cost centers.

(b) INDUSTRY-WIDE BASIS.—The mid-year rate adjustment procedure shall require the Secretary to grant adjustments on an industry-wide basis, without the need for nursing facilities to apply for such adjustments, based on the following circumstances:

(1) Statutory or regulatory changes affecting nursing facilities.

(2) Changes to the Federal minimum wage.

(3) General labor shortages with high regional wage impacts.

(c) APPLICATION FOR ADJUSTMENT.—The mid-year rate adjustment procedure shall permit specific facilities or groups of facilities to apply to the Secretary for an adjustment based on the following factors:

(1) Local labor shortages.

(2) Regulatory changes that apply to only a subset of the nursing facility industry.

(3) Economic conditions created by natural disasters or other events outside of the control of the provider.

(4) Other cost producing factors, except case-mix variation, to be specified by the Secretary in regulations.

(d) REQUIREMENTS FOR APPLICATION FOR ADJUSTMENT.—

(1) IN GENERAL.—A nursing facility which applies for a mid-year rate adjustment pursuant to this section shall be required to show that the adjustment will result in a greater than 2 percent deviation in the per diem rate for any individual cost service center or a deviation of greater than $5,000 in the total projected and indexed costs for the rate year, whichever is less.

(2) COST EXPERIENCE DATA.—A nursing facility application for a mid-year rate adjustment must be accompanied by recent cost experience data and budget projections.

SEC. 214. EXCEPTION TO PAYMENT METHODS FOR NEW AND LOW VOLUME NURSING FACILITIES.

(a) DEFINITION OF LOW VOLUME NURSING FACILITY.—In this title, the term "low volume nursing facility" means a nursing facility having fewer than 2,500 medicare part A resident days per year.

(b) DEFINITION OF NEW NURSING FACILITY.—In this title, the term "new nursing facility" means a newly constructed, licensed, and certified nursing facility or a nursing facility that is in its first 3 years of operation as a provider of services under part A of the medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.). A nursing facility that has operated for more than 3 years but has a change of ownership shall not constitute a new facility.

(c) OPTION FOR LOW VOLUME NURSING FACILITIES.—A Low volume nursing facility shall have the option of submitting a cost report to the Secretary to receive retrospective payment for all of the cost centers, other than the property cost center, or accepting a per diem rate which shall be based on the sum of—

(1) the median indexed resident day facility unit value for the appropriate geographic region for the nursing service cost center during the base year as identified in section 208(b)(2) of this title;

(2) the median indexed resident day administrative and general per diem costs of all nursing facilities in the appropriate geographic region as identified in section 209(a)(5)(E) of this title;

(3) the median indexed resident day costs per unit of service for fee-for-service ancillary services obtained using the cost information from the nursing facilities in the appropriate geographic region during the base year, excluding low volume and new nursing facilities, and based on an array of such costs from lowest to highest; and

(4) the median indexed resident day per diem costs for selected ancillary services and other costs obtained using information from the nursing facilities in the appropriate geographic region during the base year, excluding low volume and new nursing facilities, and based on an array of such costs from lowest to highest.

(d) OPTION FOR NEW NURSING FACILITIES.—New nursing facilities shall have the option of being paid by the Secretary on a retrospective cost pass-through basis for all costs centers, or in accordance with subsection (c).

SEC. 215. APPEAL PROCEDURES.

(a) IN GENERAL.—

(1) APPEAL.—Any person or legal entity aggrieved by a decision of the Secretary under this title, and which results in an amount in controversy of $10,000 or more, shall have the right to appeal such decision directly to the Provider Reimbursement Review Board (in this section referred to as "the Board") authorized under section 1878 of the Social Security Act (42 U.S.C. 1395oo).

(2) AMOUNT IN CONTROVERSY.—The $10,000 amount in controversy referred to in paragraph (1) shall be computed in accordance with 42 C.F.R. 405.1839.

(b) HEARINGS.—Any appeals to and any hearings before the Board under this title shall follow the procedures under section 1878 of the Social Security Act (42 U.S.C. 1395oo) and the regulations contained in (42 C.F.R. 405.1841–1889), except to the extent that they conflict with, or are inapplicable on account of, any other provision of this title.

SEC. 216. TRANSITION PERIOD.

The Prospective Payment System described in this title shall be phased in over a 3 year period using the following blended rate:

(1) For the first year that the provisions of this title are in effect, 25 percent of the payment rates will be based on the Prospective Payment System under this title and 75 percent will remain based upon reasonable cost reimbursement.

(2) For the second year that the provisions of this title are in effect, 50 percent of the payment rates will be based on the Prospective Payment System under this title and 50 percent based upon reasonable cost reimbursement.

(3) For the third year that the provisions of this title are in effect, 75 percent of the payment rates will be based on the Prospective Payment System under this title and 25 percent based upon reasonable cost reimbursement.

(4) For the fourth year that the provisions of this title are in effect and for all subsequent years, the payment rates will be based solely on the Prospective Payment System under this title.

SEC. 217. EFFECTIVE DATE; INCONSISTENT PROVISIONS.

(a) EFFECTIVE DATE.—The provisions of this title shall take effect on October 1, 1998.

(b) INCONSISTENT PROVISIONS.—The provisions contained in this title shall supersede any other provisions of title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq. 1396 et seq.) which are inconsistent with such provisions.

TITLE III—ADDITIONAL MEDICARE PROVISIONS

SEC. 301. ELIMINATION OF FORMULA-DRIVEN OVERPAYMENTS FOR CERTAIN OUTPATIENT HOSPITAL SERVICES.

(a) AMBULATORY SURGICAL CENTER PROCEDURES.—Section 1833(i)(3)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(i)(3)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(b) RADIOLOGY SERVICES AND DIAGNOSTIC PROCEDURES.—Section 1833(n)(1)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395l(n)(1)(B)(i)(II)) is amended—

(1) by striking "of 80 percent"; and

(2) by striking the period at the end and inserting the following: ", less the amount a provider may charge as described in clause (ii) of section 1866(a)(2)(A).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to services furnished during portions of cost reporting periods occurring on or after July 1, 1997.

SEC. 302. PERMANENT EXTENSION OF CERTAIN SECONDARY PAYER PROVISIONS.

(a) WORKING DISABLED.—Section 1862(b)(1)(B) of the Social Security Act (42 U.S.C. 1395y(b)(1)(B)) is amended by striking clause (iii).

(b) INDIVIDUALS WITH END STAGE RENAL DISEASE.—Section 1862(b)(1)(C) of the Social Security Act (42 U.S.C. 1395y(b)(1)(C)) is amended—

(1) in the first sentence, by striking "12-month" each place it appears and inserting "18-month", and

(2) by striking the second sentence.

(c) IRS-SSA-HCFA DATA MATCH.—

(1) SOCIAL SECURITY ACT.—Section 1862(b)(5)(C) of the Social Security Act (42 U.S.C. 1395y(b)(5)(C)) is amended by striking clause (iii).

(2) INTERNAL REVENUE CODE.—Section 6103(l)(12) of the Internal Revenue Code of 1986 is amended by striking subparagraph (F).

SEC. 303. FINANCING AND QUALITY MODERNIZATION AND REFORM.

(a) PAYMENTS TO HEALTH MAINTENANCE ORGANIZATIONS AND COMPETITIVE MEDICAL PLANS.—Section 1876(a) of the Social Security Act (42 U.S.C. 1395mm(a)) is amended to read as follows:

"(a)(1)(A) The Secretary shall annually determine, and shall announce (in a manner intended to provide notice to interested parties) not later than October 1 before the calendar year concerned—

"(i) a per capita rate of payment for individuals who are enrolled under this section with an eligible organization which has entered into a risk-sharing contract and who are entitled to benefits under part A and enrolled under part B, and

"(ii) a per capita rate of payment for individuals who are so enrolled with such an organization and who are enrolled under part B only.

For purposes of this section, the term 'risk-sharing contract' means a contract entered into under subsection (g) and the term 'reasonable cost reimbursement contract' means a contract entered into under subsection (h).

"(B)(i) The annual per capita rate of payment for each medicare payment area (as defined in paragraph (5)) shall be equal to 95 percent of the adjusted average per capita cost (as defined in paragraph (4)), adjusted by the Secretary for—

"(I) individuals who are enrolled under this section with an eligible organization which has entered into a risk-sharing contract and who are enrolled under part B only; and

"(II) such risk factors as age, disability status, gender, institutional status, and such other factors as the Secretary determines to be appropriate so as to ensure actuarial equivalence.

The Secretary may add to, modify, or substitute for such factors, if such changes will improve the determination of actuarial equivalence.

"(ii) The Secretary shall reduce the annual per capita rate of payment by a uniform percentage (determined by the Secretary for a year, subject to adjustment under subparagraph (G)(v)) so that the total reduction is estimated to equal the amount to be paid under subparagraph (G).

"(C) In the case of an eligible organization with a risk-sharing contract, the Secretary shall make monthly payments in advance and in accordance with the rate determined under subparagraph (B) and except as provided in subsection (g)(2), to the organization for each individual enrolled with the organization under this section.

"(D) The Secretary shall establish a separate rate of payment to an eligible organization with respect to any individual determined to have end-stage renal disease and enrolled with the organization. Such rate of payment shall be actuarially equivalent to rates paid to other enrollees in the payment area (or such other area as specified by the Secretary).

"(E)(i) The amount of payment under this paragraph may be retroactively adjusted to take into account any difference between the actual number of individuals enrolled in the plan under this section and the number of such individuals estimated to be so enrolled in determining the amount of the advance payment.

"(ii)(I) Subject to subclause (II), the Secretary may make retroactive adjustments under clause (i) to take into account individuals enrolled during the period beginning on the date on that the individual enrolls with an eligible organization (that has a risk-sharing contract under this section) under a health benefit plan operated, sponsored, or contributed to by the individual's employer or former employer (or the employer or former employer of the individual's spouse) and ending on the date on which the individual is enrolled in the plan under this section, except that for purposes of making such retroactive adjustments under this clause, such period may not exceed 90 days.

"(II) No adjustment may be made under subclause (I) with respect to any individual who does not certify that the organization provided the individual with the explanation described in subsection (c)(3)(E) at the time the individual enrolled with the organization.

"(F)(i) At least 45 days before making the announcement under subparagraph (A) for a year, the Secretary shall provide for notice to eligible organizations of proposed changes to be made in the methodology or benefit coverage assumptions from the methodology and assumptions used in the previous announcement and shall provide such organizations an opportunity to comment on such proposed changes.

"(ii) In each announcement made under subparagraph (A), the Secretary shall include an explanation of the assumptions (including any benefit coverage assumptions) and changes in methodology used in the announcement in sufficient detail so that eligible organizations can compute per capita rates of payment for individuals located in each county (or equivalent medicare payment area) which is in whole or in part within the service area of such an organization.

"(2) With respect to any eligible organization that has entered into a reasonable cost reimbursement contract, payments shall be made to such plan in accordance with subsection (h)(2) rather than paragraph (1).

"(3) Subject to subsection (c) (2)(B)(ii) and (7), payments under a contract to an eligible organization under paragraph (1) or (2) shall be instead of the amounts that (in the absence of the contract) would be otherwise payable, pursuant to sections 1814(b) and 1833(a), for services furnished by or through the organization to individuals enrolled with the organization under this section.

"(4)(A) For purposes of this section, the 'adjusted average per capita cost' for a medicare payment area (as defined in paragraph (5)) is equal to the greatest of the following:

"(i) The sum of—

"(I) the area-specific percentage for the year (as specified under subparagraph (B) for the year) of the area-specific adjusted average per capita cost for the year for the medicare payment area, as determined under subparagraph (C), and

"(II) the national percentage (as specified under subparagraph (B) for the year) of the input-price-adjusted national adjusted average per capita cost for the year, as determined under subparagraph (D),

multiplied by a budget neutrality adjustment factor determined under subparagraph (E).

"(ii) An amount equal to—

"(I) in the case of 1998, 85 percent of the average annual per capita cost under parts A and B of this title for 1997;

"(II) in the case of 1999, 85 percent of the average annual per capita cost under parts A and B of this title for 1998; and

"(III) in the case of a succeeding year, the amount specified in this clause for the preceding year increased by the national average per capita growth percentage specified under subparagraph (F) for that succeeding year.

"(B) For purposes of subparagraph (A)(i)—

"(i) for 1998, the 'area-specific percentage' is 75 percent and the 'national percentage' is 25 percent,

"(ii) for 1999, the 'area-specific percentage' is 60 percent and the 'national percentage' is 40 percent,

"(iii) for 2000, the 'area-specific percentage' is 40 percent and the 'national percentage' is 60 percent,

"(iv) for 2001, the 'area-specific percentage' is 25 percent and the 'national percentage' is 75 percent, and

"(v) for 2002 and each subsequent year, the 'area-specific percentage' is 10 percent and the 'national percentage' is 90 percent.

"(C) For purposes of subparagraph (A)(i), the area-specific adjusted average per capita cost for a medicare payment area—

"(i) for 1998, is the annual per capita rate of payment for 1997 for the medicare payment area (determined under this subsection, as in effect the day before the date of enactment of the Long-Term Care Reform and Deficit Reduction Act of 1997), increased by the national average per capita growth percentage for 1998 (as defined in subparagraph (F)); or

"(ii) for a subsequent year, is the area-specific adjusted average per capita cost for the previous year determined under this subparagraph for the medicare payment area, increased by the national average per capita growth percentage for such subsequent year.

"(D)(i) For purposes of subparagraph (A)(i), the input-price-adjusted national adjusted average per capita cost for a medicare payment area for a year is equal to the sum, for all the types of medicare services (as classified by the Secretary), of the product (for each such type of service) of—

"(I) the national standardized adjusted average per capita cost (determined under clause (ii)) for the year,

"(II) the proportion of such rate for the year which is attributable to such type of services, and

"(III) an index that reflects (for that year and that type of services) the relative input price of such services in the area compared to the national average input price of such services.

In applying subclause (III), the Secretary shall, subject to clause (iii), apply those indices under this title that are used in applying (or updating) national payment rates for specific areas and localities.

"(ii) In clause (i)(I), the 'national standardized adjusted average per capita cost' for a year is equal to—

"(I) the sum (for all medicare payment areas) of the product of (aa) the area-specific adjusted average per capita cost for that year for the area under subparagraph (C), and (bb) the average number of medicare beneficiaries residing in that area in the year; divided by

"(II) the total average number of medicare beneficiaries residing in all the medicare payment areas for that year.

"(iii) In applying this subparagraph for 1998—

"(I) medicare services shall be divided into 2 types of services: part A services and part B services;

"(II) the proportions described in clause (i)(II) for such types of services shall be—

"(aa) for part A services, the ratio (expressed as a percentage) of the average annual per capita rate of payment for the area for part A for 1997 to the total average annual per capita rate of payment for the area for parts A and B for 1997, and

"(bb) for part B services, 100 percent minus the ratio described in item (aa);

"(III) for part A services, 70 percent of payments attributable to such services shall be adjusted by the index used under section 1886(d)(3)(E) to adjust payment rates for relative hospital wage levels for hospitals located in the payment area involved;

"(IV) for part B services—

"(aa) 66 percent of payments attributable to such services shall be adjusted by the index of the geographic area factors under section 1848(e) used to adjust payment rates for physicians' services furnished in the payment area, and

"(bb) of the remaining 34 percent of the amount of such payments, 70 percent shall be adjusted by the index described in subclause (III); and

"(V) the index values shall be computed based only on the beneficiary population who are 65 years of age or older and are not determined to have end-stage renal disease.

The Secretary may continue to apply the rules described in this clause (or similar rules) for 1999.

"(E) For each year, the Secretary shall compute a budget neutrality adjustment factor so that the aggregate of the payments under this section shall not exceed the aggregate payments that would have been made under this section if the area-specific percentage for the year had been 100 percent and the national percentage had been 0 percent.

"(F) In this section, the 'national average per capita growth percentage' for a year is equal to the Secretary's estimate (after consultation with the Secretary of the Treasury) of the 3-year average (ending with the year involved) of the annual rate of growth in the national average wage index (as defined in section 209(k)(1)) for each year in the period.

"(5)(A) In this section the term 'medicare payment area' means a county, or equivalent area specified by the Secretary.

"(B) In the case of individuals who are determined to have end-stage renal disease, the medicare payment area shall be each State.

"(6) The payment to an eligible organization under this section for individuals enrolled under this section with the organization and entitled to benefits under part A and enrolled under part B shall be made from the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund. The portion of that payment to the organization for a month to be paid by each trust fund shall be determined as follows:

"(A) In regard to expenditures by eligible organizations having risk-sharing contracts, the allocation shall be determined each year by the Secretary based on the relative weight that benefits from each fund contribute to the adjusted average per capita cost.

"(B) In regard to expenditures by eligible organizations operating under a reasonable cost reimbursement contract, the initial allocation shall be based on the plan's most recent budget, such allocation to be adjusted, as needed, after cost settlement to reflect the distribution of actual expenditures.

The remainder of that payment shall be paid by the former trust fund.

"(7) Subject to paragraphs (2)(B)(ii) and (7) of subsection (c), if an individual is enrolled under this section with an eligible organization having a risk-sharing contract, only the eligible organization shall be entitled to receive payments from the Secretary under this title for services furnished to the individual.".

(b) EFFECTIVE DATE.—The amendment made by this section takes effect on October 1, 1997.

SUMMARY OF FEINGOLD LONG-TERM CARE REFORM BILL

LONG-TERM CARE SERVICES

Overall

This proposal would give States incentives to provide home and community-based long-term care services through a voluntary, capped grant for severely disabled persons, regardless of age or income. No entitlement to individuals would be created. States would be given greater flexibility and an enhanced federal match relative to the current Medicaid program.

Eligibility

Those meeting any of the following criteria would be eligible for the program:

Individuals requiring assistance, supervision or cuing with three or more activities of daily living.

Individuals with severe mental retardation.

Individuals with severe cognitive or mental impairment.

Children under 6, with severe disabilities.

In addition, States could set aside funds for individuals who may not meet any one of the above criteria, but who have a disability of comparable level of severity.

Services

States participating in the program would be required to provide assessment, plan of care, personal assistance, and case management services. Beyond that, States may also offer any other service that would help keep a disabled individual at home or in the community. (Such services might include homemaker services, home modifications, respite, assistive devices, adult day care, habilitation/rehabilitation, supported employment, home health care, etc.)

Financing

States choosing to participate in the program would receive capped grants, and would match the Federal funding with State funding. The State match rate would be 15% lower than their current Medicaid State match rate.

States would be allowed to charge copayments and establish deductibles for services based on income, except that no such payments could be charged to individuals with income below 150% of poverty.

Total grant funding of the Federal share of the long-term care grants would be $3.75 billion over 5 years, and $20.5 billion over 10 years.

In addition to the specific grants outlined in the new version, the measure also includes a directive to the Secretary of HHS to submit a proposal to Congress whereby States can retain 75% of the Federal Medicaid long-term care savings they achieve through this program (e.g., reduced institutional utilization).

Offsetting Savings

Extend Medicare Secondary Payer Program—savings of $7.2 billion over 5 years, and $18.1 billion over 10 years.

Eliminate Formula-Driven Overpayments—savings of $9.1 billion over 5 years, and $30.1 billion over 10 years.

Establish Prospective Payment System for Skilled Nursing Facilities—savings of $7.7 billion over 5 years, and $24.5 billion over 10 years.

Reform Medicare HMO Reimbursement Formula—savings of $10.1 billion over 5 years, and $93.5 billion over 10 years.

Total offsets: $34.1 billion over 5 years, and $166.2 billion over 10 years.

Net deficit reduction: $30.4 billion over 5 years, and $145.7 billion over 10 years.

By Mr. GORTON:

S. 880. A bill to authorize the Secretary of Transportation to issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV*; to the Committee on Commerce, Science, and Transportation.

JONES ACT WAIVER

Mr. GORTON. Mr. President, I ask unanimous consent that S. 880 be printed in the RECORD.

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

S. 880

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding sections 12106 and 12108 of title 46, United States Code, and section 27 of the Merchant Marine Act, 1920 (46 U.S.C. App. 883), as applicable on the date of enactment of this Act, the Secretary of Transportation may issue a certificate of documentation with appropriate endorsement for employment in the coastwise trade for the vessel *Dusken IV* (United States official Number 952645).

By Mr. WYDEN (for himself and Mr. SMITH of Oregon):

S. 881. A bill to provide for a land exchange involving the Warner Canyon Ski Area and other land in the State of Oregon; to the Committee on Energy and Natural Resources.

THE WARNER CANYON SKI HILL LAND EXCHANGE ACT OF 1997

Mr. WYDEN. Mr. President, I am pleased to introduce legislation authorizing an exchange of lands between the U.S. Forest Service, the U.S. Fish and Wildlife Service, and Lake County, OR. I believe that this exchange project is a win-win proposition for both the Federal Government and Lake County.

Under my bill, the U.S. Forest Service will deed about 290 acres of national forest land, comprising the Warner Canyon ski hill, to Lake County. In exchange, Lake County will deed roughly 320 acres of land within the Hart Mountain National Antelope Refuge to the Federal Government. The refuge is managed by the U.S. Fish and Wildlife Service.

The specific acreage offered by the county will be determined upon a specific appraisal of all the lands in order to provide for an equal value land trade.

While there is a commonly held notion that western ski areas resemble Oregon's Mt. Bachelor or Colorado's Vail, the fact is that there are many dozens of very small, financially marginal ski hills in the backyards of many small western towns. Warner Canyon is one of them.

The Warner Canyon ski hill has been operated by the nonprofit Fremont Highlanders Ski Club since 1938. It's one of America's last nonprofit ski hills. It has one lift—a T bar. It has 780 vertical feet of skiing. The ski area is about 5 miles from the town of Lakeview, which has a population of roughly 2,500.

The people of Lakeview believe that this legislation is necessary to keep the ski area viable. The Federal requirements for managing ski areas are more in tune with the Vails than the Warner Canyons. I'm told that under county ownership the liability expense alone should be reduced tenfold. The forest supervisor tells us that it costs the Forest Service about $10,000 per year to administer the ski area permit, yet the area generates just more than $400 per year in ski fee revenues to the U.S. Treasury.

I also want to emphasize the benefits of this bill to the Hart Mountain Antelope Refuge. As my colleagues well understand, too many of our national wildlife refuges contain private land inholdings over which the Federal Government has essentially no control. These lands can be sold or developed at any time. If Lake County were ever strapped for cash, it would certainly be their prerogative to sell these parcels to the highest bidder. With this acquisition we move closer to the permanent protection of this important Oregon wildlife refuge.

I am pleased to be joined in this effort by Senator GORDON SMITH.

At this time, Mr. President, I ask unanimous consent to be printed in the RECORD the bill and my statement, a document from the Lake County Board of Commissioners entitled "Reasons to support Warner Canyon Ski Hill Ownership Transfer," and letters of support from the Fremont Highlanders Ski Club, Inc., and the Lake County Chamber of Commerce.

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

S. 881

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 "Warner Canyon Ski Hill Land Exchange Act of 1997".

SEC. 2. LAND EXCHANGE INVOLVING WARNER CANYON SKI AREA AND OTHER LAND IN OREGON.

(a) AUTHORIZATION OF EXCHANGE.—If title acceptable to the Secretary for non-Federal land described in subsection (b) is conveyed to the United States, the Secretary of Agriculture shall convey to Lake County, Oregon, subject to valid existing rights of record, all right, title, and interest of the United States in and to a parcel of Federal land consisting of approximately 295 acres within the Warner Canyon Ski Area of the Freemont National Forest, as generally depicted on the map entitled "Warner Canyon Ski Hill Land Exchange", dated June 1997.

(b) NON-FEDERAL LAND.—The non-Federal land referred to in subsection (a) consists of—

(1) approximately 320 acres within the Hart Mountain National Wildlife Refugee, as generally depicted on the map referred to in subsection (a); and

(2) such other parcels of land owned by Lake County, Oregon, within the Refuge as are necessary to ensure that the values of the Federal land and non-Federal land to be exchanged under this section are approximately equal in value, as determined by appraisals.

(c) ACCEPTABLE TITLE.—Title to the non-Federal land conveyed to the United States under subsection (a) shall be such title as is acceptable to the Secretary of the Interior, in conformance with title approval standards applicable to Federal land acquisitions.

(d) VALID EXISTING RIGHTS.—The conveyance shall be subject to such valid existing rights of record as may be acceptable to the Secretary of the Interior.

(e) APPLICABILITY OF OTHER LAWS.—Except as otherwise provided in this section, the Secretary of the Interior shall process the land exchange authorized by this section in the manner provided in subpart 2200 of title 43, Code of Federal Regulations (as in effect on the date of enactment of this Act).

(f) MAP.—The map referred to in subsection (a) shall be on file and available for inspection in one or more local offices of the Department of the Interior and the Department of Agriculture.

(g) ADDITIONAL TERMS AND CONDITIONS.—The Secretary of the Interior or the Secretary of Agriculture may require such additional terms and conditions in connection with the conveyances under this section as either Secretary considers appropriate to protect the interests of the United States.

LAKE COUNTY BOARD OF COMMISSIONERS

Robert M. Pardue, Chairman; Jane O'Keeffe, Kathleen Collins

REASONS TO SUPPORT WARNER CANYON SKI HILL OWNERSHIP TRANSFER

Lake County agrees to accept the ownership of 280+-acres of land which is the location of the Warner Canyon Ski Hill with all encumbrance.

Lake County offers 320+-acres of land in the Hart Mountain National Antelope Refuge as the mechanism to equalize the value for the Federal Government.

Lake County desires to have the proposal completed by November 1, 1997 to allow this winter season to come under our ownership.

The exchange will benefit the U.S. Forest Service, Fremont National Forest by removing management costs that exceed return generated by the Special Use Permit to the Fremont Highlanders.

U.S. Fish and Wildlife Service benefits by having ownership of 320+-acres of inholdings within the existing refuge boundary. (Lake County owns additional land within the refuge that can be sued to facilitate this proposal if necessary.)

The Fremont Highlanders Ski Club, operator of the ski area, benefits from lower cost of liability insurance, no cost operating permit and possible supplemental funding from special county recreation funds.

The Lakeview community benefits from the long term stable operation of the ski hill to provide family winter recreation opportunities, facilities for high school ski race team, part time seasonal employment opportunities during high unemployment periods.

Lake County acquires a parcel of land that is adjacent to an existing 40 acres of county land over which the ski lift crosses. This is an opportunity for the county do demonstrate its desire to support the recreation and tourism industry and possibly enhance and expand winter recreation potential. The county receives R.V. registration fee rebates from the State of Oregon for use at county owned park or recreation areas. The Warner Canyon Ski area will be eligible for supplemental funding from these funds.

ROBERT M. PARDUE, *Chairman.*

FREMONT HIGHLANDERS SKI CLUB, INC.,
Lakeview, OR, June 5, 1997.

CHARLES GRAHAM,
Forest Supervisor, U.S. Forest Service, Lake County Commissioners.

DEAR MR. GRAHAM AND LAKE COUNTY COMMISSIONERS: The Fremont Highlanders Ski Club is in full support of the land trade involving Warner Canyon Ski Area between Lake County, the U.S. Forest Service and the U.S. Fish and Wildlife Service. Warner Canyon Ski Area is one of the few remaining non-profit ski areas in the United States. The Fremont Highlanders have operated this

ski area for over 50 years. However, increasing regulations, fees, and insurance costs have severely impacted our ability to operate. We believe the land trade will reduce our costs of operating our ski area and will allow us to better serve our communities recreational interests.

Sincerely,

MICHAEL SABIN,
President.

LAKE COUNTY,
CHAMBER OF COMMERCE,
Lakeview, OR, June 6, 1997.

BOB PARDUE,
Chairman, Lake County Commissioners, Courthouse, Lakeview, OR.

DEAR BOB. On behalf of the Lake County Chamber of Commerce Board of Directors, we would like to congratulate you on your recent decision to make a land trade with the Fremont National Forest, regarding the Warner Canyon Ski Area.

Maintaining the level of operation, to provide a quality skiing experience for recreational skiers in Southeast Oregon, has been a difficult challenge for the Fremont Highlanders Ski Club. Liability Insurance has been a real obstacle, as well as sporadic snow conditions. Thanks to Collins McDonald Trust Fund, as well as other generous Lake County businesses and citizens, we have been able to financially survive.

Three years ago the chamber received a grant to promote winter recreation in Lake County. The success of Warner Canyon Ski Area is an important component to that promotion, which impacts the local economy during the usual slow months.

We are very supportive of this trade and look forward to many successful ski seasons in the future.

Sincerely,

BARB GOVER,
Director, Lake County Chamber of Commerce.

By Mrs. BOXER:

S. 882. A bill to improve academic and social outcomes for students by providing productive activities during after school hours; to the Committee on Labor and Human Resources.

THE AFTER SCHOOL EDUCATION AND SAFETY ACT OF 1997

Mrs. BOXER. Mr. President, I rise to introduce the After School Education and Safety Act of 1997. This bill creates after school enrichment programs for kindergarten, elementary, and secondary school-aged students. Today's youth face far greater social risks than did their parents and grandparents. According to the Federal Bureau of Investigation, youth between the ages of 12 and 17 are most at risk of committing violent acts and being victims of violent crimes between 3 p.m. and 6 p.m.—a time when they are not in school.

My bill will help schools expand their capacity to address the needs of school-aged children between these critical hours. Since juvenile crime peeks at the close of the schoolday—we need to give children a safe and supervised place where they can use those hours to their best advantage. Education is a key component of success. This bill seeks to increase the academic success of students while working to improve their intellectual, social, physical, and cultural skills. For older students, programs will be available to prepare them for work force participation.

Schools receiving grants under the act must provide at least two of the following programs: Mentoring, academic assistance, recreational activities, or technology training. It is critical that we work with our Nation's children during their school years to create strong foundations in academics, technology, and other fields which will carry them into adulthood.

Schools will be able to work within their communities to design programs that meet the needs of the area. Activities authorized by the bill are to take place in a school building or another public facility designated by the school.

Mr. President, the best investment we can make in this country is in our children. I urge my colleagues to review this legislation and join me in making after school a safe time for our Nation's children.

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. 882

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 "After School Education and Safety Act of 1997".

SEC. 2. PURPOSE.

The purpose of this Act is to improve academic and social outcomes for students by providing productive activities during after school hours.

SEC. 3. FINDINGS.

Congress makes the following findings:

(1) Today's youth face far greater social risks than did their parents and grandparents.

(2) Students spend more of their waking hours alone, without supervision, companionship, or activity than the students spend in school.

(3) Law enforcement statistics show that youth who are ages 12 through 17 are most at risk of committing violent acts and being victims of violent acts between 3 p.m. and 6 p.m.

(4) Greater numbers of students are failing in school and the consequences of academic failure are more dire in 1997 than ever before.

SEC. 4. GOALS.

The goals of this Act are as follows:

(1) To increase the academic success of students.

(2) To improve the intellectual, social, physical, and cultural skills of students.

(3) To promote safe and healthy environments for students.

(4) To prepare students for workforce participation.

(5) To provide alternatives to drug, alcohol, tobacco, and gang activity.

SEC. 5. DEFINITIONS.

In this Act:

(1) SCHOOL.—The term "school" means a public kindergarten, or a public elementary school or secondary school, as defined in section 14101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 8801).

(2) SECRETARY.—The term "Secretary" means the Secretary of Education.

SEC. 6. PROGRAM AUTHORIZED.

The Secretary is authorized to carry out a program under which the Secretary awards grants to schools to enable the schools to carry out the activities described in section 7(a).

SEC. 7. AUTHORIZED ACTIVITIES; REQUIREMENTS.

(a) AUTHORIZED ACTIVITIES.—

(1) REQUIRED.—Each school receiving a grant under this Act shall carry out at least 2 of the following activities:

(A) Mentoring programs.

(B) Academic assistance.

(C) Recreational activities.

(D) Technology training.

(2) PERMISSIVE.—Each school receiving a grant under this Act may carry out any of the following activities:

(A) Drug, alcohol, and gang, prevention activities.

(B) Health and nutrition counseling.

(C) Job skills preparation activities.

(b) TIME.—A school shall provide the activities described in subsection (a) only after regular school hours during the school year.

(c) SPECIAL RULE.—Each school receiving a grant under this Act shall carry out activities described in subsection (a) in a manner that reflects the specific needs of the population, students, and community to be served.

(d) LOCATION.—A school shall carry out the activities described in subsection (a) in a school building or other public facility designated by the school.

(e) ADMINISTRATION.—In carrying out the activities described in subsection (a), a school is encouraged—

(1) to request volunteers from the business and academic communities to serve as mentors or to assist in other ways;

(2) to request donations of computer equipment; and

(3) to work with State and local park and recreation agencies so that activities that are described in subsection (a) and carried out prior to the date of enactment of this Act are not duplicated by activities assisted under this Act.

SEC. 8 APPLICATIONS.

Each school desiring a grant under this Act shall submit an application to the Secretary at such time, in such manner, and accompanied by such information as the Secretary may require. Each such application shall—

(1) identify how the goals set forth in section 4 shall be met by the activities assisted under this Act;

(2) provide evidence of collaborative efforts by students, parents, teachers, site administrators, and community members in the planning and administration of the activities;

(3) contain a description of how the activities will be administered;

(4) demonstrate how the activities will utilize or cooperate with publicly or privately funded programs in order to avoid duplication of activities in the community to be served;

(5) contain a description of the funding sources and in-kind contributions that will support the activities; and

(6) contain a plan for obtaining non-Federal funding for the activities.

SEC. 9 AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated to carry out this Act $50,000,000 for each of the fiscal years 1998 through 2002.

By Mr. GREGG (for himself, Mr. ROTH, Mr. FAIRCLOTH, Mrs.

HUTCHISON, Mr. MURKOWSKI, Mr. SANTORUM, and Ms. COLLINS):

S. 883. A bill to amend the Internal Revenue Code of 1986 to encourage savings and investment through individual retirement accounts, to provide pension security, portability, and simplification, and for other purposes; to the Committee on Finance.

THE RETIREMENT INCOME SECURITY AND SAVINGS ACT OF 1997

Mr. GREGG. Mr. President, I am extremely pleased to rise to introduce the Retirement Income, Security, and Savings Act of 1997.

Mr. President, this bill represents the culmination of literally months of work by the Republican Retirement Security Task Force, which I chair. It embodies a collection of policies which would, if enacted, do a tremendous amount for a critical national need—to increase retirement saving and ultimately, therefore, retirement income for all Americans.

It has become almost axiomatic to state that America is in dire need of a qualitative increase in its level of retirement saving. None of the three legs of the metaphorical retirement stool—Social Security, employer-provided pensions, and individual saving—are saving an adequate amount for 21st century retirement needs. Social Security is not really a savings program at all, but is rather funded on a pay-as-you-go basis, the surplus loaned to the Government, to be paid back from general revenues at a future date. Employer-provided pensions only reach half of the working population, and there are problems of underfunding facing even the portion that are covered. And, as a general rule, only a few Americans are putting away sufficient saving on their own initiative to meet their future retirement income needs.

I would like to take a few moments to describe the current details with respect to retirement income in America, and then how our package addresses those needs. Only then, I believe, can my colleagues fully appreciate the quality and importance of the policy recommendations that we are making.

The typical retired American today receives retirement income from a variety of sources. On average, 41.7 percent comes from Social Security, 20.5 percent from asset income, 20.1 percent from pensions, 14.8 percent is annually earned, and the remaining 3 percent comes from a variety of other sources, including welfare programs such as SSI and unemployment compensation.

I would stress that this is only an average picture. The reality varies greatly from American to American. We need to look at the oldest of Americans to see the future of an aging nation. Americans currently 80 and older receive 52.6 percent of their income from Social Security, whereas their pensions provide proportionally less—down to 15.3 percent. And, of course, they are less able to earn money at this age, thus earnings make up only 3.9 percent of their income.

I describe this situation because it dramatizes our future. Americans continue to have longer and longer life expectancies. The population aged 80 and older is growing faster than any other age group, proportionally. This are group currently receives inadequate pension and individual savings income, and has needed to rely more heavily on Social Security. The plain fact is that as America grows older, this group of Americans simply must have access to more in the areas of pension coverage and personal savings if they are to maintain a dignified standard of living.

The current national picture is also not equitable with regard to the treatment of women. Currently, women are almost twice as likely as men to live in poverty in their retirement years—a 15.7 percent poverty rate versus an 8.9 percent poverty rate for men. For women who are widowed or divorced, the picture is worse still—widows suffer a poverty rate of 21.5 percent, divorcees 29.1 percent. Thus, the task force placed high priority on including provisions designed to help women generate saving in their own name.

Also of note are the discrepancies in income sources between high-income and low-income Americans. Among elderly Americans in the lowest quintile, Social Security constitutes 82.6 percent of their income. Their next biggest source is public assistance—SSI, unemployment compensation, and other such sources—which make up 9.1 percent of their income stream. Thus, poorest Americans would benefit the most from expansions of existing pension coverage.

Mr. President, it is, therefore, essential that this Nation pursue policies that increase pension and individual savings in the private sector. One added reason for this is the plight of Social Security. Thus far, Congress has not been willing to address Social Security's enormous unfunded liability. Under current practices, we will continue to pour the annual Social Security surplus into current Government consumption. We have no method to pay for Social Security's trillions in unfunded liability other than the promise of future Government taxation.

Although few are willing to admit it, it is clear from the projections that Social Security in the 21st century will not be able to deliver as large a share of the income of retired Americans as it does today. That is simply not possible when the projected worker-to-collector ratios for the program will hit only 2 to 1 within a generation. When the program is brought into balance, as it must be, what will happen to the millions of Americans who rely on Social Security for the majority of their retirement income? The answer, Mr. President, depends on how successful we are in providing for retirement income via other means.

Our task force approached these problems in as objective a fashion as we could. We decided early on that the problem was one of inadequate saving, instead of one of inadequate regulation, or inequitable distribution. Indeed, many existing regulations and distribution requirements have actually worked against the aim of expanded pension coverage, because they deter employers from providing it. The result is that many small business owners do not believe that they can afford to offer pension coverage. Mr. President, we must begin to make it easier—in fact, we must begin to make it attractive—for employers to offer pensions.

There is a single common theme that runs through the Republican approach to retirement security: Retirement income comes from retirement saving. It comes from nowhere else. Everything in our package aims at generating additional retirement saving in a reasonably direct way. Government must do more to encourage saving, and in many ways this is best done by doing less to discourage it. We have produced a package that would make it easier for additional retirement saving to occur, by facilitating saving via a broad variety of measures.

That is not to say that we did not identify areas of the law where there were simply technical adjustments to be made. Often there are absurd regulatory inconsistencies in our pension structures. We penalize employers who do not properly fund pension plans, but on the other hand, we prevent others from funding the full amount of liabilities that they know are coming. Or we will treat employer contributions one way, but the contributions of the self-employed another way. There is a host of confusing, sometimes inconsistent, regulations in effect. We did our best to identify and to rectify such problems and inconsistencies in existing law.

This package seeks to increase saving through individual savings incentives, through employer funding of pension plans, through simplification, through expanded portability, through defined contribution plans, and through defined benefit plans. We attempted to increase savings on every front. We cast our net wide. Thus, we have a package that is a veritable smorgasbord of reforms, more than Congress could possibly enact this year. But we have produced a host of proposals that are each candidates for at least partial inclusion in budget reconciliation, and I believe that Congress would do well to favorably consider them.

Because we attempted to approach our task with this specific policy objective in mind—increasing savings—we

did not set ourselves up to oppose every idea that originated in another place. The centerpiece proposals of our package—full IRA deductibility for every American, the WISE women's equity package, and the new SAFE defined benefit plan—are not included in the package of pension proposals offered by the minority party. But we did not reject some good technical corrections merely because they have appeared in the work of others. I believe that there is a basis for Congress to review the proposals offered separately by Republicans, and by Democrats, and to pursue many initiatives on which there is a broad area of common ground.

I would like to thank Majority Leader LOTT for convening the task force and for selecting me to be its chairman. I also wish to thank Senator LARRY CRAIG for his helpful coordination of the various Republican task force efforts. I wish to thank each of the members of the Senate Republican Retirement Security Task Force—Senators BOND, COLLINS, HUTCHISON, JEFFORDS, MURKOWSKI, ROBERTS, SANTORUM, FAIRCLOTH—but most especially Finance Committee Chairman Senator WILLIAM ROTH, whose work was absolutely instrumental to this drafting effort. I would like to single out Doug Fisher of Senator ROTH's staff for the technical advice and assistance that he provided to me and to my staff at every stage of this process.

It would be appropriate at this point to say a word of appreciation to Senator GRAHAM of Florida as well, for his parallel work in fashioning a bipartisan package of pension reforms that I understand will be introduced later this week. Our Republican task force has communicated in open and good faith with his bipartisan group, and there have been times when we have found ourselves working on overlapping ground. Senator GRAHAM and his staff have made important and original contributions to a bipartisan effort to promote retirement security, and I believe that we can work with Senator GRAHAM and others in this coalition, throughout the reconciliation process and beyond, to pursue reforms of common interest.

Let me now turn to the specific provisions of our legislation.

Title I would establish a fully deductible IRA for every American. The IRA is becoming a cornerstone of national retirement policy, and the Federal Government should not deter anyone from participating by limiting or eliminating the tax deductibility of the option. We endorse the Roth/Breaux schedule of phasing out the limits on IRA deductibility by 2001, and of indexing the contribution limits for inflation. We would also create the option of the back-loaded IRA—in which contributions are taxed when they are made, instead of upon withdrawal—in order to mitigate the revenue implications in the near-term. Stimulating personal saving—making it attractive for every American to adopt the habit of contributing to an IRA each year—is an important first step toward meeting tomorrow's retirement income needs.

Title II is the WISE bill introduced earlier this year. Already this important piece of legislation has 25 co-sponsors. These women's equity initiatives include a strengthening of the homemaker IRA, permitting a homemaker to make a fully deductible IRA contribution, regardless of whether his or her spouse receives an employer-provided pension. In addition, we would permit individuals who take maternity or paternity leave to make catch-up contributions to their 401-(k) or similar plans for the time missed from work. And—the most creative part of our legislation—we would permit individuals who are absent from pension plan participation for an extended period to raise a child—to make additional contributions upon return, and to catch up for up to 18 years of absence.

The WISE legislation is extremely popular, and I do not need to describe it at length here. However, I would say that it recognizes an important principle too frequently unrecognized in our pension law: That individuals do not have the same opportunities to save at every stage of their lives. Frequently, the financial pressures of raising a child prevent parents from attending to their own retirement saving. WISE attempts to give some flexibility, to permit individuals to put away more money when, at last, they have the surplus income to do so.

Title III of our bill is targeted at expanding pension coverage in small business. This, Mr. President, is a title of our legislation that is just as vital as the first two, for a number of important reasons. First, it is those individuals who work for small businesses who are most likely to lack pension coverage. Second, we felt it was very important in this legislation to do something to make defined benefit plans more attractive to employers. The task force concluded that removing impediments to defined contribution saving was extremely important, but we could not stop there: We needed to pursue parallel methods with respect to establishing pension coverage for individuals who do not have discretionary income to put into retirement savings.

Title III of our legislation begins with the SAFE plan—a fully portable, fully funded, defined benefit plan designed for small business. This legislation attempts to make defined benefit plans a more realistic option for small businesses, just as the SIMPLE plan did last year for defined contribution plans. Because SAFE is a method of creating a defined benefit plan without running into the problems with funding and complex regulation that have deterred small businesses from offering other defined benefit plans, it is good for employers. And because it offers a defined benefit funded by the employer, rather than dependent upon employee contributions, it is good for lower income employees.

In essence, the way SAFE works is this: An employer can choose to establish a SAFE plan that accrues at either a 1-percent, a 2-percent, or a 3-percent rate. What this means is that for every year the employee works, they get either 1 percent, 2 percent, or 3 percent of their salary as their defined benefit upon retirement. If, for example, the employee works for 25 years in a plan that accrues at 3 percent, then their retirement benefit will be 75 percent of working income. Everyone in the plan accrues at the same rate. So the employer can make a choice: If they fund at the lower rate—say, 1 percent—then they will diminish the size of their own pension benefits as well as that of their employees. By treating all employees equally, across the board, SAFE bypasses the need for complex nondiscrimination requirements. Fair treatment is assured by the basic construction of the plan.

SAFE plans are fully funded by the employer. The employer must fund the benefits such that, when a 5 percent interest rate is assumed, enough will be present at time of retirement to pay the defined benefit. If the employer is able to do better, in managing the plan, then that 5 percent interest rate, then the extra goes back into the pension benefits. Annually, the plan is monitored to ensure that the employer has kept pace with that 5 percent rate. If not, then the employer must make a makeup contribution at year's end. So, in all events, the pension benefits are protected. It is annually assured that the promised benefits are fully funded, and it is also possible that the beneficiary will receive more. Moreover, because each individual's pension benefit is fully funded in advance by a defined amount, it is fully portable—the benefit can travel with the employee easily when they switch jobs.

The SAFE plan gives a small business owner the opportunity to create a simple defined benefit plan that has the potential to provide large pension benefits—for both the employees and the employer. Because of that potential and its resulting incentive, and because of the protection from messy discrimination rules, SAFE plans will be an attractive alternative for small businesses. And by creating this alternative, we increase the opportunities for lower income individuals to receive defined benefit pension coverage that they might not be able to fund via a defined contribution system.

It will take too much of the Senate's time to list every aspect of our comprehensive legislation, but I invite

Senators to review this and other provisions we have created to make pensions more attractive to small business owners in title III of the bill.

Title IV contains assorted measures to ensure pension portability. This is essential in a mobile society such as ours, in which pension coverage is lowest among short-tenured young workers, moving from job to job. We do not generate retirement saving if these pension benefits simply turn into a cash-out every time one changes jobs. Our legislation would protect plans that accept rollovers from disqualification, and also specifically facilitate rollovers between a large variety of plans—government plans, nonprofit plans, and others.

Title V of the legislation deals with pension security. We felt it was important to highlight our finding that pension managers have an obligation to comply with the intent of ERISA, which directs that they manage these plans with an eye solely toward maximizing the accumulation of pension assets, not pursuing an external purpose, whether social, political, or any other. Accordingly, we would eliminate the promotion of the Department of Labor's Economically Targeted Investments Program. The last thing that we want, Mr. president, is for pension managers to feel pressured into investing in any vehicles that they do not believe meet the best interests of future pension beneficiaries. To the extent that these economically targeted investments produce healthy, sound investments, they do not need promotion by the Department of Labor. To the extent that they do not, pension managers should not invest in them.

Also in title V, Mr. President, is an important provision that gradually increases the current limitation on full employer funding of pension liabilities. Right now, employers may fund for no more than 150 percent of current liability, even when they may know that future liabilities are accruing and must be funded. This is short-sighted policy by the Federal Government, undertaken solely to protect the Federal balance sheet, by limiting the tax deductibility of pension contributions. I would argue that this existing policy, in the long run, does not even protect the Federal balance sheet, because ultimately, these liabilities must be funded, and the deduction therefore taken. It is better to permit employers to invest the money now, and to let that investment compound to meet future liabilities, rather than to forbid them from doing so, and thereby force them to make a larger contribution later—and then claim an even larger deduction. We must take a far-sighted approach to funding pensions, and not discourage proper pension funding simply because we are looking at a short-term budget window here in the Federal Government. Our provision would gradually increase the 150 percent limit, by 5 percent every 2 years.

Finally, title VI deals with another vital area of pension reform—pension simplification. In this title, Mr. President, Senators will find a host of changes that eliminate existing inconsistencies within law and regulation, as well as facilitating the use of electronic technology to replace cumbersome paperwork. I would draw the attention of the Senate to one particular provision here that would exempt Government plans from existing nondiscrimination rules. These nondiscrimination rules, Mr. President, were not designed for Government plans, and it has proved very vexatious to determine how to apply them in cases when the employer is a government body. I believe that many Senators have probably heard from administrators of State government retirement plans regarding the need to make this exemption permanent, and our bill would do so. This is one provision, Mr. President, that I believe we should seek to include in budget reconciliation this year.

Mr. President, I am very proud to introduce this legislation. Tax law in this area is complicated and dry—I have become too familiar with that these last months—but it is imperative that we shoulder the burden of reforming it to make it work more simply, and more effectively, to encourage greater retirement income saving. I have worked long and hard to create this legislation, and I believe that it represents a good comprehensive effort to enhance the future retirement security of millions of Americans. I thank the rest of the task force, and the majority leader, for this opportunity to lead in this important work, and I commend this legislation to the Senate for its favorable consideration.

By Mr. D'AMATO (for himself, Mr. KERRY, Mrs. BOXER, Mr. BRYAN, Ms. MOSELEY-BRAUN, Mrs. MURRAY, and Mr. CHAFEE):

S. 885. A bill to amend the Electronic Fund Transfer Act to limit fees charged by financial institutions for the use of automatic teller machines, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

THE FAIR ATM FEES FOR CONSUMERS ACT

Mr. D'AMATO. Mr. President, I rise today with Senator KERRY as my primary cosponsor to reintroduce legislation to protect consumers from excessive and redundant fees imposed by automated teller machine [ATM] operators. I am also pleased that Senators BOXER, BRYAN, MOSELEY-BRAUN, MURRAY, and CHAFEE have chosen to join with me once again in cosponsoring this important initiative.

Mr. President, last year, I introduced legislation to eliminate ATM fees. At that time, some of my colleagues argued that consumers could always choose to go to an ATM that does not double-charge. I predicted then that if we permit this practice, eventually every bank will double-charge consumers would have no choice but to pay through the nose.

Last fall, I asked the General Accounting Office to examine ATM fees. I want to know how many banks are double charging and how much consumers are being forced to pay.

This morning the Banking Committee heard GAO's results. Their results detail the spread of the anticonsumer, anticompetitive, and anti-free-market practice—double ATM fees.

In a nutshell, this abusive practice is spreading like wildfire and consumers across the country are getting burned. When I received the GAO report, I was shocked to find that, in just over a year, the number of ATM's that double charge consumers has risen 320 percent since the end of 1995. That means that consumers have less and less of a choice when they need to use an ATM.

The GAO study also reveals that 54 percent of the ATM's in the United States are now double-charging. Soon consumers will have nowhere to turn. For that reason, I am reintroducing my bill, the Fair ATM Fees for Consumers Act.

Until April of last year, most consumers paid a fee, usually about $1, to their own bank each time they used another bank's ATM. This fee was intended to cover the cost of the transaction. Now, in addition to that fee, the ATM operator may charge these consumers a second fee. This second fee can run as high as $3 per transaction. Many consumers are forced to pay a total of $3 or more just to take $20 of their own money out of the bank. That's outrageous.

Double-charging was prohibited in most of the country until April 1, 1996, when Visa and MasterCard, which operate the two largest ATM networks, endorsed this practice. When the Banking Committee held a hearing on double ATM charges last summer Visa and MasterCard refused to appear. I intend to hold further hearings on this issue and I fully expect Visa and MasterCard to testify as to why they suddenly permitted this double charge which hurts consumers and community banks.

Recent estimates show that the average consumer is paying a whopping $155 per year to use automated teller machines or ATM's. The average family will pay several times that amount. That's outrageous. The banks are making windfall profits from working people.

A transaction conducted at an ATM costs about 25 cents while the same transaction conducted by a teller in a bank branch costs well over a dollar. Realizing this, banks strongly encouraged their customers to use ATM's.

ATM's appeared everywhere as banks cut bank on branches and teller service. ATM networks were formed when individual banks joined together and agreed to let each other's customers use any ATM in the network without paying any extra charges.

Now, banks are suddenly claiming that ATM's are no longer cost effective. They have decided to soak consumers with multiple fees every time they need to take money out of their accounts.

Banks report record profits in part by slapping customers and noncustomers with ever-increasing convenience fees. In many cases, consumers are forced to pay multiple fees for a single ATM transaction. Imagine, working men and women are paying two separate fees for the privilege of getting their own money.

This is a windfall for the banks. The consumer receives no additional benefit and the bank provides no additional service. A recent study by the U.S. Public Interest Research Group [U.S. PIRG] reported that banks will profit $1.9 billion from ATM surcharges alone this year. This double charge is a free lunch for the banks and consumers are footing the bill. I am not opposed to banks making a profit, but double ATM fees unfairly exploit the consumer.

Banks argue that consumers have the freedom to go to an ATM that doesn't double-charge. But working people on their lunch hours, or late at night, have no time to hunt for a free ATM when they need cash. As the GAO reported, those free ATM's are getting very hard to find.

The people who are getting hit the hardest are the ones who can least afford it. While many Americans can simply choose to avoid extra fees by taking $100 or $200 every time they go to an ATM, many families struggling to make ends meet don't have that option. Senior citizens on fixed incomes and students with little money to space are being forced to pay $2 or $3 just to take out $20. A $3 fee on a $200 withdrawal is a nuisance, but taking a $3 bite out of a $20 withdrawal is outrageous.

Mr. President, double-charging is a monopolistic practice that eliminates competition and distorts the free market. Banks are using double ATM fees to squeeze small competitors out of business. Community banks, thrifts, and credit unions have customers who depend on access to other institutions' ATM's. These customers now pay twice whenever they use an ATM. Large banks with many ATM's are exploiting this situation to lure away small bank customers. Eventually, small banks will not be able to survive. That's not competition, that's a monopoly.

When ATM's were first introduced, banks claimed that these machines would give consumers more choices and greater convenience. ATM's were supposed to reduce costs and the savings could be passed on to consumers. Today, when bank profits are at record highs, it is astonishing that banks cannot resist the temptation to squeeze consumers a little harder by doubling ATM fees,

I look forward to holding additional hearings on ATM fees during this Congress to provide opponents and proponents of the bill, including representatives of various States that are attempting to enact bans, an opportunity to participate in this debate. I hope may colleagues will join me in taking a stand against this predatory banking practice.

Mr. President, I ask unanimous consent that the full 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. 885

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 "Fair ATM Fees for Consumers Act".

SEC. 2 DEFINITION.

Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals.".

SEC. 3. CERTAIN FEES PROHIBITED.

Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) LIMITATION ON FEES.—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network.".

Mr. KERRY. Mr. President, I am pleased to join my colleague, the chairman of the Banking Committee, in introducing the Fair ATM Fees for Consumers Act of 1997.

Today, in the Banking Committee, representatives of the U.S. General Accounting Office discussed the findings of their report on the growth of ATM surcharges. It is a fascinating report, and I recommend our colleagues take a look at it. I will highlight some of the findings, especially as they pertain to my home State.

I will tell you, Mr. President, it is not often in the Banking Committee that passions run this high on a financial services issue. I have heard from officials of large banks who tell me that prohibiting ATM surcharges is tantamount to nationalizing our banking industry.

Mr. President, I do not believe that it is the business of the U.S. Senate to set prices and fees at banks and other financial institutions. I am a great believer in the free market—not the Federal Government—dictating fee structures. But there is a general sense of fairness that is being violated in this surcharge.

When a depositor opens an account, he or she knows the fees associated with transactions. It is current federal law—found in statutes like the Electronic Funds Transfer Act, the Truth-in-Savings Act, and the Truth-in-Lending Act—that mandates fees to be disclosed to the consumer. So, when we open a bank account, we know how much each transaction will cost.

But now, with this new surcharge, we are left in the dark. In the absence of disclosure law dealing with surcharges, we don't find out, in many cases, how much it will cost to use an ATM machine not associated with our particular bank until our statement appears in the mail, long after the ATM transaction is completed.

That is bad for consumers and it is bad precedent. And, as the GAO report testifies, the trend is not favorable. Historic mergers, consolidations, and acquisitions have taken place in the financial service industry. Bank lobby hours have been curtailed so drastically, and so many human tellers replaced by machines, that we are forced to use ATM's. This is the undeniable direction of the industry.

Mr. President, some of the biggest banks argue that ATM fees are an outgrowth of the convenience consumers derive from using ATM's. But I suspect that other forces are at play. Commercial banks posted record profits last year, surpassing the previous record-breaking year. This new fee is not needed to ensure that banks are profitable.

Mr. President, last year, a constituent of mine from Dorchester, MA, testified before the Banking Committee on this issue. He owns a profitable bank with one ATM machine. He runs the bank well and serves the community. But his small bank is no match for far bigger competitors. He contends that these surcharges are designed by the big banks to draw customers away from community banks. This may not be an issue of establishing prices and fees; this has all the coloration of an antitrust issue. I want to set the marker down clearly—the Congress needs to do a better job in monitoring and preventing the trend of consolidation from running the smaller banks out of business.

In Massachusetts, the two largest banks own more than 62 percent of the

ATM's in the Commonwealth. The GAO report tells us that, nationally, one-third of all ATM's are owned by large banks. So, Massachusetts has double the national concentration. And that is a critical measure, Mr. President. The GAO report found that ATM surcharges are more prevalent among larger banks, 98 percent of which own ATM's. Fifty-four percent of large institutions assessed a surcharge as opposed to 32 percent of smaller institutions. That is the static measure, which is significant enough, but the trend is even more disturbing. The number of ATM's assessing a surcharge has risen 320 percent in the past 13 months. The highest surcharge found was $3 and the average surcharge is $1.14, up from 99 cents last year.

I will say that I appreciate the fact that BankBoston—one of the two large banks in Massachusetts—does not impose surcharges at all. I also know that the Massachusetts Bankers Association is grappling with this issue, trying to find some accommodation, and I am willing to listen to its arguments on this issue. My mind is certainly open to alternatives to the current draft of our legislation. But, Mr. President, I must say that the findings of the GAO report do little to dissuade me that we must move forward to prohibit these surcharges.

I thank my friend, the chairman of the Banking Committee, for his leadership.

Ms. MOSELEY-BRAUN. Mr. President, I would like to congratulate my colleague, the Senator from New York, Senator D'AMATO, for his leadership on this bill, the Fair ATM Fees for Consumers Act.

Few Americans will quarrel with the issue this bill addresses: surcharging, or double charging consumers for a single ATM transaction, is unfair and unnecessary.

Many banks charge their customers for using foreign ATM's—those ATM's not owned by the customer's bank. These fees are disclosed to the customer in advance, allowing consumers to shop for and choose banks that offer the best package of services at the best price.

I don't have a problem with that kind of fee. Customers have that information well in advance, and at a time they can use it. If the services offered by banks fail to meet the customer's satisfaction, customers can take their business elsewhere.

Surcharging, however, undermines all that. Last April, the major computer networks allowed ATM owners to begin charging fees to customers using foreign ATM's. From that day, the floodgates opened, and now customers nationwide are being charged twice for the same transaction—first by their own institution, and by the institution owning the ATM machine.

These costs are spreading. According to a recent General Accounting Office report commissioned by the Senator from New York, ATM surcharges have ballooned 320 percent since 1995.

One example of the surcharge boom is in my hometown of Chicago. Earlier this month, First Chicago NBD instituted surcharges, affecting 710 ATM's in the area. That decision, coupled with the 1,550 ATM's in the region already levying surcharges, now means that more than half of the 4,400 ATM's in the Chicago area have a surcharge.

Mr. President, if current trends continue, few ATM's will remain that have no surcharge, and consumers, despite surcharge warnings posted on the computer screen or on the machine, will truly have no alternative but to be charged twice for the same transaction.

I am aware that there are some costs to convenience. There are more than 122,000 ATM's around the Nation, almost 5 times the number in place a decade ago. Americans used ATM machines more than 9 billion times last year, accessing their bank accounts and other financial services 24 hours a day, 7 days a week. I know there are costs associated with deploying these new machines, handling increased transactions, and other maintenance and safety issues.

It should not be forgotten, however, that banks moved customers to ATM's because, compared to teller transactions, ATM's were cheaper. According to a Mentis Corp. study, an ATM cash withdrawal from an in-branch ATM costs an average of 22 to 28 cents, while the cost of a teller transaction is 90 cents to $1.15. And in some cases, banks charge customers for completing transactions with a teller if those transactions could have been completed at an ATM.

Certainly ATM's are a convenience for customers, but the truth is that banks have deployed more ATM's because it means lower costs to banks.

I remember when banks paid their customers for the use of their money. Today, however, it's increasingly expensive for the average working family to manage even a simple banking account. Americans who make timely credit card payments, or no payments at all, face higher fees. Americans who avoid special banking services are considered unprofitable customers, and face higher fees.

Now, with ATM surcharges, Americans are discovering that they must pay banks an additional $155 each year simply to access their own money.

The market is out of whack. The pubic knows this is unfair, and their visceral reaction is a response to market excess.

I am hopeful that the financial industry will take the necessary steps to remedy this problem. Otherwise, the Government has a duty to correct the abuse of double and triple charging people for accessing their own hard-earned dollars.

It is time to stop nickel and diming the American pocket. That's why I'm pleased to be a cosponsor of this bill, and I urge its swift approval by the U.S. Senate.

By Mr. MCCONNELL (for himself and Mr. LIEBERMAN):

S. 886. A bill to reform the health care liability system and improve health care quality through the establishment of quality assurance programs, and for other purposes; to the Committee on Labor and Human Resources.

THE HEALTH CARE LIABILITY REFORM AND QUALITY ASSURANCE ACT OF 1997

Mr. MCCONNELL. Mr. President, I am pleased to introduce the Health Care Liability Reform and Quality Assurance Act of 1997. This is virtually the same legislation as S. 454 that I introduced in the last Congress with Senators LIEBERMAN and Kassebaum. That bill was reported out of the Labor Committee and received the support of 53 Senators when it was added as an amendment to the product liability legislation. Ultimately, however, the amendment was withdrawn under the threat of a filibuster. I am very happy to, once again, be joining with Senator LIEBERMAN in this effort.

Health care liability is one issue on which there has been some bipartisan consensus about the need to make significant changes. This bill which I am introducing today with the cosponsorship and assistance of Senator LIEBERMAN represents this bipartisan effort.

The purpose of our bill is to promote patient safety, compensate those who suffer injuries fully and fairly, without enriching lawyers and bureaucrats, make health care more accessible, gain some cost containment in health care, strengthen the doctor-patient relationship and encourage medical innovation. Our present system, unfortunately, does none of the above.

First of all, patients don't get compensated. The Rand Corp. has reported that only 43 cents of every dollar spent in the liability system goes to the injured party. That means lawyers, experts, and court fees eat up a significant percentage of every dollar spent in the liability system.

Second, the prohibitive cost of liability insurance means some doctors won't provide care to those in our society who need it most. Half-a-million rural women can't get an obstetrician to deliver their babies. This problem, however, is not limited to rural areas. High malpractice premiums force doctors to avoid the practice of medicine in urban areas as well, making it more difficult for minority communities to get necessary care.

Third, companies that invent new products are discouraged under the current system from putting them on the market. Medical device manufacturers are finding it more difficult to

get raw materials to produce life saving devices because of the risk of lawsuits.

Fourth, doctors are less likely to explore risky treatment because of the proliferation of lawsuits. A doctor has a better than 1 in 3 chance of being sued during his practice years. And the likelihood of suit has nothing to do with whether the doctor was negligent. The General Accounting Office reports that almost 60 percent of all suits are dismissed without a verdict or even a settlement.

So, something is very wrong with our liability system, and our bill will help solve the problem. I have included a summary of the bill's provisions, and I ask unanimous consent that the full text of the bill and the summary be printed in the RECORD.

Mr. President, I am hopeful that health care liability will get full consideration and action in this Congress. It is very important that we tackle this issue, and I look forward to prompt action.

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

S. 886

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.

(a) SHORT TITLE.—This Act may be cited as the "Health Care Liability Reform and Quality Assurance Act of 1997".

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

Sec. 1. Short title; table of contents.

TITLE I—HEALTH CARE LIABILITY REFORM

Subtitle A—Liability Reform

Sec. 101. Findings and purpose.
Sec. 102. Definitions.
Sec. 103. Applicability.
Sec. 104. Statute of limitations.
Sec. 105. Reform of punitive damages.
Sec. 106. Periodic payments.
Sec. 107. Scope of liability.
Sec. 108. Mandatory offsets for damages paid by a collateral source.
Sec. 109. Treatment of attorneys' fees and other costs.
Sec. 110. Obstetric cases.
Sec. 111. State-based alternative dispute resolution mechanisms.
Sec. 112. Requirement of certificate of merit.

Subtitle B—Biomaterials Access Assurance

Sec. 121. Short title.
Sec. 122. Findings.
Sec. 123. Definitions.
Sec. 124. General requirements; applicability; preemption.
Sec. 125. Liability of biomaterials suppliers.
Sec. 126. Procedures for dismissal of civil actions against biomaterials suppliers.
Sec. 127. Applicability.

Subtitle C—Applicability

Sec. 131. Applicability.

TITLE II—PROTECTION OF THE HEALTH AND SAFETY OF PATIENTS

Sec. 201. Additional resources for State health care quality assurance and access activities.
Sec. 202. Quality assurance, patient safety, and consumer information.

TITLE III—SEVERABILITY

Sec. 301. Severability.

TITLE I—HEALTH CARE LIABILITY REFORM

Subtitle A—Liability Reform

SEC. 101. FINDINGS AND PURPOSE.

(a) FINDINGS.—Congress finds the following:

(1) EFFECT ON HEALTH CARE ACCESS AND COSTS.—The civil justice system of the United States is a costly and inefficient mechanism for resolving claims of health care liability and compensating injured patients and the problems associated with the current system are having an adverse impact on the availability of, and access to, health care services and the cost of health care in the United States.

(2) EFFECT ON INTERSTATE COMMERCE.—The health care and insurance industries are industries affecting interstate commerce and the health care liability litigation systems existing throughout the United States affect interstate commerce by contributing to the high cost of health care and premiums for health care liability insurance purchased by participants in the health care system.

(3) EFFECT ON FEDERAL SPENDING.—The health care liability litigation systems existing throughout the United States have a significant effect on the amount, distribution, and use of Federal funds because of—

(A) the large number of individuals who receive health care benefits under programs operated or financed by the Federal Government;

(B) the large number of individuals who benefit because of the exclusion from Federal taxes of the amounts spent to provide such individuals with health insurance benefits; and

(C) the large number of health care providers who provide items or services for which the Federal Government makes payments.

(b) PURPOSE.—It is the purpose of this Act to implement reasonable, comprehensive, and effective health care liability reform that is designed to—

(1) ensure that individuals with meritorious health care injury claims receive fair and adequate compensation;

(2) improve the availability of health care service in cases in which health care liability actions have been shown to be a factor in the decreased availability of services; and

(3) improve the fairness and cost-effectiveness of the current health care liability system of the United States to resolve disputes over, and provide compensation for, health care liability by reducing uncertainty and unpredictability in the amount of compensation provided to injured individuals.

SEC. 102. DEFINITIONS.

As used in this subtitle:

(1) CLAIMANT.—The term "claimant" means any person who commences a health care liability action, and any person on whose behalf such an action is commenced, including the decedent in the case of an action brought through or on behalf of an estate.

(2) CLEAR AND CONVINCING EVIDENCE.—The term "clear and convincing evidence" means that measure or degree of proof that will produce in the mind of the trier of fact a firm belief or conviction as to the truth of the allegations sought to be established, except that such measure or degree of proof is more than that required under preponderance of the evidence, but less than that required for proof beyond a reasonable doubt.

(3) COLLATERAL SOURCE RULE.—The term "collateral source rule" means a rule, either statutorily established or established at common law, that prevents the introduction of evidence regarding collateral source benefits or that prohibits the deduction of collateral source benefits from an award of damages in a health care liability action.

(4) CONTINGENCY FEE.—The term "contingency fee" means any fee for professional legal services which is, in whole or in part, contingent upon the recovery of any amount of damages, whether through judgment or settlement.

(5) ECONOMIC LOSSES.—The term "economic losses" means objectively verifiable monetary losses incurred as a result of the provision of (or failure to provide or pay for) health care services or the use of a medical product, including past and future medical expenses, loss of past and future earnings, cost of obtaining replacement services in the home (including child care, transportation, food preparation, and household care), cost of making reasonable accommodations to a personal residence, loss of employment, and loss of business or employment opportunities. Economic losses are neither noneconomic losses nor punitive damages.

(6) HEALTH CARE LIABILITY ACTION.—The term "health care liability action" means a civil action against a health care provider, health care professional, health plan, or other defendant, including a right to legal or equitable contribution, indemnity, subrogation, third-party claims, cross claims, or counter-claims, in which the claimant alleges injury related to the provision of, payment for, or the failure to provide or pay for, health care services or medical products, regardless of the theory of liability on which the action is based. Such term does not include a product liability action, except where such an action is brought as part of a broader health care liability action.

(7) HEALTH PLAN.—The term "health plan" means any person or entity which is obligated to provide or pay for health benefits under any health insurance arrangement, including any person or entity acting under a contract or arrangement to provide, arrange for, or administer any health benefit.

(8) HEALTH CARE PROFESSIONAL.—The term "health care professional" means any individual who provides health care services in a State and who is required by Federal or State laws or regulations to be licensed, registered or certified to provide such services or who is certified to provide health care services pursuant to a program of education, training and examination by an accredited institution, professional board, or professional organization.

(9) HEALTH CARE PROVIDER.—The term "health care provider" means any organization or institution that is engaged in the delivery of health care items or services in a State and that is required by Federal or State laws or regulations to be licensed, registered or certified to engage in the delivery of such items or services.

(10) HEALTH CARE SERVICES.—The term "health care services" means any services provided by a health care professional, health care provider, or health plan or any individual working under the supervision of a health care professional, that relate to the diagnosis, prevention, or treatment of any disease or impairment, or the assessment of the health of human beings.

(11) INJURY.—The term "injury" means any illness, disease, or other harm that is the subject of a health care liability action.

(12) MEDICAL PRODUCT.—The term "medical product" means a drug (as defined in section

201(g)(1) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(g)(1)) or a medical device as defined in section 201(h) of such Act (21 U.S.C. 321(h)), including any component or raw material used therein, but excluding health care services, as defined in paragraph (9).

(13) NONECONOMIC LOSSES.—The term "noneconomic losses" means losses for physical and emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of consortium, loss of society or companionship (other than loss of domestic services), and other nonpecuniary losses incurred by an individual with respect to which a health care liability action is brought. Noneconomic losses are neither economic losses nor punitive damages.

(14) PUNITIVE DAMAGES.—The term "punitive damages" means damages awarded, for the purpose of punishment or deterrence, and not for compensatory purposes, against a health care professional, health care provider, or other defendant in a health care liability action. Punitive damages are neither economic nor noneconomic damages.

(15) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(16) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico.

SEC. 103. APPLICABILITY.

(a) IN GENERAL.—Except as provided in subsection (c), this subtitle shall apply with respect to any health care liability action brought in any Federal or State court, except that this subtitle shall not apply to an action for damages arising from a vaccine-related injury or death to the extent that title XXI of the Public Health Service Act (42 U.S.C. 300aa-1) applies to the action.

(b) PREEMPTION.—

(1) IN GENERAL.—The provisions of this subtitle shall preempt any State law existing on, or enacted subsequent to, the date of enactment of this Act, only to the extent that such law is inconsistent with the limitations contained in such provisions and shall not preempt State law to the extent that such law—

(A) places greater restrictions on the amount of or standards for awarding noneconomic or punitive damages;

(B) places greater limitations on the awarding of attorneys fees for awards in excess of $150,000;

(C) permits a lower threshold for the periodic payment of future damages;

(D) establishes a shorter period during which a health care liability action may be initiated or a more restrictive rule with respect to the time at which the period of limitations begins to run; or

(E) implements collateral source rule reform that either permits the introduction of evidence of collateral source benefits or provides for the mandatory offset of collateral source benefits from damage awards.

(2) RULES OF CONSTRUCTION.—The provisions of this subtitle shall not be construed to preempt any State law that—

(A) permits State officials to commence health care liability actions as a representative of an individual;

(B) permits provider-based dispute resolution;

(C) places a maximum limit on the total damages in a health care liability action;

(D) places a maximum limit on the time in which a health care liability action may be initiated; or

(E) provides for defenses in addition to those contained in this Act.

(c) EFFECT ON SOVEREIGN IMMUNITY AND CHOICE OF LAW OR VENUE.—Nothing in this subtitle shall be construed to—

(1) waive or affect any defense of sovereign immunity asserted by any State under any provision of law;

(2) waive or affect any defense of sovereign immunity asserted by the United States;

(3) affect the applicability of any provision of the Foreign Sovereign Immunities Act of 1976;

(4) preempt State choice-of-law rules with respect to actions brought by a foreign nation or a citizen of a foreign nation;

(5) affect the right of any court to transfer venue or to apply the law of a foreign nation or to dismiss an action of a foreign nation or of a citizen of a foreign nation on the ground of inconvenient forum; or

(6) supersede any provision of Federal law.

(d) FEDERAL COURT JURISDICTION NOT ESTABLISHED ON FEDERAL QUESTION GROUNDS.—Nothing in this subtitle shall be construed to establish any jurisdiction in the district courts of the United States over health care liability actions on the basis of section 1331 or 1337 of title 28, United States Code.

SEC. 104. STATUTE OF LIMITATIONS.

A health care liability action that is subject to this Act may not be initiated unless a complaint with respect to such action is filed within the 2-year period beginning on the date on which the claimant discovered or, in the exercise of reasonable care, should have discovered the injury and its cause, except that such an action relating to a claimant under legal disability may be filed within 2 years after the date on which the disability ceases. If the commencement of a health care liability action is stayed or enjoined, the running of the statute of limitations under this section shall be suspended for the period of the stay or injunction.

SEC. 105. REFORM OF PUNITIVE DAMAGES.

(a) LIMITATION.—With respect to a health care liability action, an award for punitive damages may only be made, if otherwise permitted by applicable law, if it is proven by clear and convincing evidence that the defendant—

(1) intended to injure the claimant for a reason unrelated to the provision of health care services;

(2) understood the claimant was substantially certain to suffer unnecessary injury, and in providing or failing to provide health care services, the defendant deliberately failed to avoid such injury; or

(3) acted with a conscious, flagrant disregard of a substantial and unjustifiable risk of unnecessary injury which the defendant failed to avoid in a manner which constitutes a gross deviation from the normal standard of conduct in such circumstances.

(b) PUNITIVE DAMAGES NOT PERMITTED.—Notwithstanding the provisions of subsection (a), punitive damages may not be awarded against a defendant with respect to any health care liability action if no judgment for compensatory damages, including nominal damages (under $500), is rendered against the defendant.

(c) PROCEDURE FOR DETERMINING PUNITIVE DAMAGES.—

(1) IN GENERAL.—In any health care liability action subject to this subtitle in which punitive damages are recoverable, the trier of fact shall determine, concurrent with all other issues presented in such action, whether such damages shall be allowed. If the trier of fact determines that such damages are allowed, a separate proceeding shall be conducted by the court to determine the amount of such damages to be awarded.

(2) SEPARATE PROCEEDING.—At a separate proceeding to determine the amount of punitive damages to be awarded under paragraph (1), the court shall consider the following:

(A) The severity of the harm caused by the conduct of the defendant.

(B) The duration of the conduct or any concealment of such conduct by the defendant.

(C) The profitability of the conduct of the defendant.

(D) The number of products sold or medical procedures rendered for compensation, as the case may be, by the defendant of the kind causing the harm complained of by the claimant.

(E) The total deterrent effect of other damages and punishment imposed upon the defendant as a result of the misconduct, including compensatory, exemplary and punitive damage awards to individuals in situations similar to those of the claimant and the severity of any criminal or administrative penalties, or civil fines, to which the defendant has been or may be subjected.

(3) DETERMINATION.—At the conclusion of a separate proceeding under paragraph (1), the court shall determine the amount of punitive damages to be awarded with respect to the health care liability action involved and shall enter judgment for that amount. The court shall clearly state its reasons for setting the amount of such award in findings of fact and conclusions of law, demonstrating consideration of each of the factors described in paragraph (2).

(d) LIMITATION AMOUNT.—The amount of damages that may be awarded as punitive damages in any health care liability action shall not exceed 3 times the amount awarded to the claimant for the economic injury on which such claim is based, or $250,000, whichever is greater. This subsection shall be applied by the court and shall not be disclosed to the jury.

(e) RESTRICTIONS PERMITTED.—Nothing in this Act shall be construed to imply a right to seek punitive damages where none exists under Federal or State law.

SEC. 106. PERIODIC PAYMENTS.

With respect to a health care liability action, if the award of future damages exceeds $100,000, the adjudicating body shall, at the request of either party, enter a judgment ordering that future damages be paid on a periodic basis in accordance with the guidelines contained in the Uniform Periodic Payments of Judgments Act, as promulgated by the National Conference of Commissioners on Uniform State Laws in July of 1990. The adjudicating body may waive the requirements of this section if such body determines that such a waiver is in the interests of justice.

SEC. 107. SCOPE OF LIABILITY.

(a) IN GENERAL.—With respect to punitive and noneconomic damages, the liability of each defendant in a health care liability action shall be several only and may not be joint. Such a defendant shall be liable only for the amount of punitive or noneconomic damages allocated to the defendant in direct proportion to such defendant's percentage of fault or responsibility for the injury suffered by the claimant.

(b) DETERMINATION OF PERCENTAGE OF LIABILITY.—With respect to punitive or noneconomic damages, the trier of fact in a health care liability action shall determine the extent of each party's fault or responsibility for injury suffered by the claimant, and shall assign a percentage of responsibility for such injury to each such party.

SEC. 108. MANDATORY OFFSETS FOR DAMAGES PAID BY A COLLATERAL SOURCE.

(a) IN GENERAL.—With respect to a health care liability action, the total amount of damages received by an individual under such action shall be reduced, in accordance with subsection (b), by any other payment that has been, or will be, made to an individual to compensate such individual for the injury that was the subject of such action.

(b) AMOUNT OF REDUCTION.—The amount by which an award of damages to an individual for an injury shall be reduced under subsection (a) shall be—

(1) the total amount of any payments (other than such award) that have been made or that will be made to such individual to pay costs of or compensate such individual for the injury that was the subject of the action; minus

(2) the amount paid by such individual (or by the spouse, parent, or legal guardian of such individual) to secure the payments described in paragraph (1).

(c) DETERMINATION OF AMOUNTS FROM COLLATERAL SERVICES.—The reductions required under subsection (b) shall be determined by the court in a pretrial proceeding. At the subsequent trial—

(1) no evidence shall be admitted as to the amount of any charge, payments, or damage for which a claimant—

(A) has received payment from a collateral source or the obligation for which has been assured by a third party; or

(B) is, or with reasonable certainty, will be eligible to receive payment from a collateral source of the obligation which will, with reasonable certainty be assumed by a third party; and

(2) the jury, if any, shall be advised that—

(A) except for damages as to which the court permits the introduction of evidence, the claimant's medical expenses and lost income have been or will be paid by a collateral source or third party; and

(B) the claimant shall receive no award for any damages that have been or will be paid by a collateral source or third party.

SEC. 109. TREATMENT OF ATTORNEYS' FEES AND OTHER COSTS.

(a) LIMITATION ON AMOUNT OF CONTINGENCY FEES.—An attorney who represents, on a contingency fee basis, a claimant in a health care liability action may not charge, demand, receive, or collect for services rendered in connection with such action in excess of the following amount recovered by judgment or settlement under such action:

(1) 33⅓ percent of the first $150,000 (or portion thereof) recovered, based on after-tax recovery, plus

(2) 25 percent of any amount in excess of $150,000 recovered, based on after-tax recovery.

(b) CALCULATION OF PERIODIC PAYMENTS.—In the event that a judgment or settlement includes periodic or future payments of damages, the amount recovered for purposes of computing the limitation on the contingency fee under subsection (a) shall be based on the cost of the annuity or trust established to make the payments. In any case in which an annuity or trust is not established to make such payments, such amount shall be based on the present value of the payments.

SEC. 110. OBSTETRIC CASES.

With respect to a health care liability action relating to services provided during labor or the delivery of a baby, if the health care professional against whom the action is brought did not previously treat the pregnant woman for the pregnancy, the trier of fact may not find that the defendant committed malpractice and may not assess damages against the health care professional unless the malpractice is proven by clear and convincing evidence.

SEC. 111. STATE-BASED ALTERNATIVE DISPUTE RESOLUTION MECHANISMS.

(a) ESTABLISHMENT BY STATES.—Each State is encouraged to establish or maintain alternative dispute resolution mechanisms that promote the resolution of health care liability claims in a manner that—

(1) is affordable for the parties involved in the claims;

(2) provides for the timely resolution of claims; and

(3) provides the parties with convenient access to the dispute resolution process.

(b) GUIDELINES.—The Attorney General, in consultation with the Secretary and the Administrative Conference of the United States, shall develop guidelines with respect to alternative dispute resolution mechanisms that may be established by States for the resolution of health care liability claims. Such guidelines shall include procedures with respect to the following methods of alternative dispute resolution:

(1) ARBITRATION.—The use of arbitration, a nonjury adversarial dispute resolution process which may, subject to subsection (c), result in a final decision as to facts, law, liability or damages. The parties may elect binding arbitration.

(2) MEDIATION.—The use of mediation, a settlement process coordinated by a neutral third party without the ultimate rendering of a formal opinion as to factual or legal findings.

(3) EARLY NEUTRAL EVALUATION.—The use of early neutral evaluation, in which the parties make a presentation to a neutral attorney or other neutral evaluator for an assessment of the merits, to encourage settlement. If the parties do not settle as a result of assessment and proceed to trial, the neutral evaluator's opinion shall be kept confidential.

(4) EARLY OFFER AND RECOVERY MECHANISM.—The use of early offer and recovery mechanisms under which a health care provider, health care organization, or any other alleged responsible defendant may offer to compensate a claimant for his or her reasonable economic damages, including future economic damages, less amounts available from collateral sources.

(5) NO FAULT.—The use of a no-fault statute under which certain health care liability actions are barred and claimants are compensated for injuries through their health plans or through other appropriate mechanisms.

(c) FURTHER REDRESS.—

(1) IN GENERAL.—The extent to which any party may seek further redress (subsequent to a decision of an alternative dispute resolution method) concerning a health care liability claim in a Federal or State court shall be dependent upon the methods of alternative dispute resolution adopted by the State.

(2) CLAIMANT.—With respect to further redress described in paragraph (1), if the party initiating such court action is the claimant and the claimant receives a level of damages that is at least 25 percent less under the decision of the court than under the State alternative dispute resolution method, such party shall bear the reasonable costs, including legal fees, incurred in the court action by the other party or parties to such action.

(3) PROVIDER OR OTHER DEFENDANT.—With respect to further redress described in paragraph (1), if the party initiating a court action is the health care professional, health care provider health plan, or other defendant in a health care liability action and the health care professional, health care provider, health plan or other defendant is found liable for a level of damages that is at least 25 percent more under the decision of the court than under the State alternative dispute resolution method, such party shall bear the reasonable costs, including legal fees, incurred in the court action by the other party or parties to such action.

(d) TECHNICAL ASSISTANCE AND EVALUATIONS.—

(1) TECHNICAL ASSISTANCE.—The Attorney General may provide States with technical assistance in establishing or maintaining alternative dispute resolution mechanisms under this section.

(2) EVALUATIONS.—The Attorney General, in consultation with the Secretary and the Administrative Conference of the United States, shall monitor and evaluate the effectiveness of State alternative dispute resolution mechanisms established or maintained under this section.

SEC. 112. REQUIREMENT OF CERTIFICATE OF MERIT.

(a) REQUIRING SUBMISSION WITH COMPLAINT.—Except as provided in subsection (b) and subject to the penalties of subsection (d), no health care liability action may be brought by any individual unless, at the time the individual commences such action, the individual or the individual's attorney submits an affidavit declaring that—

(1) the individual (or the individual's attorney) has consulted and reviewed the facts of the claim with a qualified specialist (as defined in subsection (c));

(2) the individual or the individual's attorney has obtained a written report by a qualified specialist that clearly identifies the individual and that includes the specialist's determination that, based upon a review of the available medical record and other relevant material, a reasonable medical interpretation of the facts supports a finding that the claim against the defendant is meritorious and based on good cause; and

(3) on the basis of the qualified specialist's review and consultation, the individual, and if represented, the individual's attorney, have concluded that the claim is meritorious and based on good cause.

(b) EXTENSION IN CERTAIN INSTANCES.—

(1) IN GENERAL.—Subject to paragraph (2), subsection (a) shall not apply with respect to an individual who brings a health care liability action without submitting an affidavit described in such subsection if—

(A) despite good faith efforts, the individual is unable to obtain the written report before the expiration of the applicable statute of limitations;

(B) despite good faith efforts, at the time the individual commences the action, the individual has been unable to obtain medical records or other information necessary, pursuant to any applicable law, to prepare the written report requested; or

(C) the court of competent jurisdiction determines that the affidavit requirement shall be extended upon a showing of good cause.

(2) DEADLINE FOR SUBMISSION WHERE EXTENSION APPLIES.—In the case of an individual who brings an action to which paragraph (1) applies, the action shall be dismissed unless the individual submits the affidavit described in subsection (a) not later than—

(A) in the case of an action to which subparagraph (A) of paragraph (1) applies, 90 days after commencing the action; or

(B) in the case of an action to which subparagraph (B) of paragraph (1) applies, 90 days after obtaining the information described in such subparagraph or when good cause for an extension no longer exists.

(c) QUALIFIED SPECIALIST DEFINED.—

(1) IN GENERAL.—As used in subsection (a), the term "qualified specialist" means, with respect to a health care liability action, a health care professional who has expertise in the same or substantially similar area of practice to that involved in the action.

(2) EVIDENCE OF EXPERTISE.—For purposes of paragraph (1), evidence of required expertise may include evidence that the individual—

(A) practices (or has practiced) or teaches (or has taught) in the same or substantially similar area of health care or medicine to that involved in the action; or

(B) is otherwise qualified by experience or demonstrated competence in the relevant practice area.

(d) SANCTIONS FOR SUBMITTING FALSE AFFIDAVIT.—Upon the motion of any party or on its own initiative, the court in a health care liability action may impose a sanction on a party, the party's attorney, or both, for—

(1) any knowingly false statement made in an affidavit described in subsection (a);

(2) making any false representations in order to obtain a qualified specialist's report; or

(3) failing to have the qualified specialist's written report in his or her custody and control;

and may require that the sanctioned party reimburse the other party to the action for costs and reasonable attorney's fees.

Subtitle B—Biomaterials Access Assurance

SEC. 121. SHORT TITLE.

This subtitle may be cited as the "Biomaterials Access Assurance Act of 1997".

SEC. 122. FINDINGS.

Congress finds that—

(1) each year millions of citizens of the United States depend on the availability of lifesaving or life enhancing medical devices, many of which are permanently implantable within the human body;

(2) a continued supply of raw materials and component parts is necessary for the invention, development, improvement, and maintenance of the supply of the devices;

(3) most of the medical devices are made with raw materials and component parts that—

(A) are not designed or manufactured specifically for use in medical devices; and

(B) come in contact with internal human tissue;

(4) the raw materials and component parts also are used in a variety of nonmedical products;

(5) because small quantities of the raw materials and component parts are used for medical devices, sales of raw materials and component parts for medical devices constitute an extremely small portion of the overall market for the raw materials and medical devices;

(6) under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.), manufacturers of medical devices are required to demonstrate that the medical devices are safe and effective, including demonstrating that the products are properly designed and have adequate warnings or instructions;

(7) notwithstanding the fact that raw materials and component parts suppliers do not design, produce, or test a final medical device, the suppliers have been the subject of actions alleging inadequate—

(A) design and testing of medical devices manufactured with materials or parts supplied by the suppliers; or

(B) warnings related to the use of such medical devices;

(8) even though suppliers of raw materials and component parts have very rarely been held liable in such actions, such suppliers have ceased supplying certain raw materials and component parts for use in medical devices because the costs associated with litigation in order to ensure a favorable judgment for the suppliers far exceeds the total potential sales revenues from sales by such suppliers to the medical device industry;

(9) unless alternate sources of supply can be found, the unavailability of raw materials and component parts for medical devices will lead to unavailability of lifesaving and life-enhancing medical devices;

(10) because other suppliers of the raw materials and component parts in foreign nations are refusing to sell raw materials or component parts for use in manufacturing certain medical devices in the United States, the prospects for development of new sources of supply for the full range of threatened raw materials and component parts for medical devices are remote;

(11) it is unlikely that the small market for such raw materials and component parts in the United States could support the large investment needed to develop new suppliers of such raw materials and component parts;

(12) attempts to develop such new suppliers would raise the cost of medical devices;

(13) courts that have considered the duties of the suppliers of the raw materials and component parts have generally found that the suppliers do not have a duty—

(A) to evaluate the safety and efficacy of the use of a raw material or component part in a medical device; and

(B) to warn consumers concerning the safety and effectiveness of a medical device;

(14) attempts to impose the duties referred to in subparagraphs (A) and (B) of paragraph (13) on suppliers of the raw materials and component parts would cause more harm than good by driving the suppliers to cease supplying manufacturers of medical devices; and

(15) in order to safeguard the availability of a wide variety of lifesaving and life-enhancing medical devices, immediate action is needed—

(A) to clarify the permissible bases of liability for suppliers of raw materials and component parts for medical devices; and

(B) to provide expeditious procedures to dispose of unwarranted suits against the suppliers in such manner as to minimize litigation costs.

SEC. 123. DEFINITIONS.

As used in this subtitle:

(1) BIOMATERIALS SUPPLIER.—

(A) IN GENERAL.—The term "biomaterials supplier" means an entity that directly or indirectly supplies a component part or raw material for use in the manufacture of an implant.

(B) PERSONS INCLUDED.—Such term includes any person who—

(i) has submitted master files to the Secretary for purposes of premarket approval of a medical device; or

(ii) licenses a biomaterials supplier to produce component parts or raw materials.

(2) CLAIMANT.—

(A) IN GENERAL.—The term "claimant" means any person who brings a civil action, or on whose behalf a civil action is brought, arising from harm allegedly caused directly or indirectly by an implant, including a person other than the individual into whose body, or in contact with whose blood or tissue, the implant is placed, who claims to have suffered harm as a result of the implant.

(B) ACTION BROUGHT ON BEHALF OF AN ESTATE.—With respect to an action brought on behalf of or through the estate of an individual into whose body, or in contact with whose blood or tissue the implant is placed, such term includes the decedent that is the subject of the action.

(C) ACTION BROUGHT ON BEHALF OF A MINOR OR INCOMPETENT.—With respect to an action brought on behalf of or through a minor or incompetent, such term includes the parent or guardian of the minor or incompetent.

(D) EXCLUSIONS.—Such term does not include—

(i) a provider of professional health care services, in any case in which—

(I) the sale or use of an implant is incidental to the transaction; and

(II) the essence of the transaction is the furnishing of judgment, skill, or services;

(ii) a person acting in the capacity of a manufacturer, seller, or biomaterials supplier; or

(iii) a person alleging harm caused by either the silicone gel or the silicone envelope utilized in a breast implant containing silicone gel, except that—

(I) neither the exclusion provided by this clause nor any other provision of this subtitle may be construed as a finding that silicone gel (or any other form of silicone) may or may not cause harm; and

(II) the existence of the exclusion under this clause may not—

(aa) be disclosed to a jury in any civil action or other proceeding; and

(bb) except as necessary to establish the applicability of this subtitle, otherwise be presented in any civil action or other proceeding.

(3) COMPONENT PART.—

(A) IN GENERAL.—The term "component part" means a manufactured piece of an implant.

(B) CERTAIN COMPONENTS.—Such term includes a manufactured piece of an implant that—

(i) has significant non-implant applications; and

(ii) alone, has no implant value or purpose, but when combined with other component parts and materials, constitutes an implant.

(4) HARM.—

(A) IN GENERAL.—The term "harm" means—

(i) any injury to or damage suffered by an individual;

(ii) any illness, disease, or death of that individual resulting from that injury or damage; and

(iii) any loss to that individual or any other individual resulting from that injury or damage.

(B) EXCLUSION.—The term does not include any commercial loss or loss of or damage to an implant.

(5) IMPLANT.—The term "implant" means—

(A) a medical device that is intended by the manufacturer of the device—

(i) to be placed into a surgically or naturally formed or existing cavity of the body for a period of at least 30 days; or

(ii) to remain in contact with bodily fluids or internal human tissue through a surgically produced opening for a period of less than 30 days; and

(B) suture materials used in implant procedures.

(6) MANUFACTURER.—The term "manufacturer" means any person who, with respect to an implant—

(A) is engaged in the manufacture, preparation, propagation, compounding, or processing (as defined in section 510(a)(1)) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(a)(1)) of the implant; and

(B) is required—

(i) to register with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) to include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section.

(7) MEDICAL DEVICE.—The term "medical device" means a device, as defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) and includes any device component of any combination product as that term is used in section 503(g) of such Act (21 U.S.C. 353(g)).

(8) RAW MATERIAL.—The term "raw material" means a substance or product that—

(A) has a generic use; and

(B) may be used in an application other than an implant.

(9) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

(10) SELLER.—

(A) IN GENERAL.—The term "seller" means a person who, in the course of a business conducted for that purpose, sells, distributes, leases, packages, labels, or otherwise places an implant in the stream of commerce.

(B) EXCLUSIONS.—The term does not include—

(i) a seller or lessor of real property;

(ii) a provider of professional services, in any case in which the sale or use of an implant is incidental to the transaction and the essence of the transaction is the furnishing of judgment, skill, or services; or

(iii) any person who acts in only a financial capacity with respect to the sale of an implant.

SEC. 124. GENERAL REQUIREMENTS; APPLICABILITY; PREEMPTION.

(a) GENERAL REQUIREMENTS.—

(1) IN GENERAL.—In any civil action covered by this subtitle, a biomaterials supplier may raise any defense set forth in section 125.

(2) PROCEDURES.—Notwithstanding any other provision of law, the Federal or State court in which a civil action covered by this subtitle is pending shall, in connection with a motion for dismissal or judgment based on a defense described in paragraph (1), use the procedures set forth in section 126.

(b) APPLICABILITY.—

(1) IN GENERAL.—Except as provided in paragraph (2), notwithstanding any other provision of law, this subtitle applies to any civil action brought by a claimant, whether in a Federal or State court, against a manufacturer, seller, or biomaterials supplier, on the basis of any legal theory, for harm allegedly caused by an implant.

(2) EXCLUSION.—A civil action brought by a purchaser of a medical device for use in providing professional services against a manufacturer, seller, or biomaterials supplier for loss or damage to an implant or for commercial loss to the purchaser—

(A) shall not be considered an action that is subject to this subtitle; and

(B) shall be governed by applicable commercial or contract law.

(c) SCOPE OF PREEMPTION.—

(1) IN GENERAL.—This subtitle supersedes any State law regarding recovery for harm caused by an implant and any rule of procedure applicable to a civil action to recover damages for such harm only to the extent that this subtitle establishes a rule of law applicable to the recovery of such damages.

(2) APPLICABILITY OF OTHER LAWS.—Any issue that arises under this subtitle and that is not governed by a rule of law applicable to the recovery of damages described in paragraph (1) shall be governed by applicable Federal or State law.

(d) STATUTORY CONSTRUCTION.—Nothing in this subtitle may be construed—

(1) to affect any defense available to a defendant under any other provisions of Federal or State law in an action alleging harm caused by an implant; or

(2) to create a cause of action or Federal court jurisdiction pursuant to section 1331 or 1337 of title 28, United States Code, that otherwise would not exist under applicable Federal or State law.

SEC. 125. LIABILITY OF BIOMATERIALS SUPPLIERS.

(a) IN GENERAL.—

(1) EXCLUSION FROM LIABILITY.—Except as provided in paragraph (2), a biomaterials supplier shall not be liable for harm to a claimant caused by an implant.

(2) LIABILITY.—A biomaterials supplier that—

(A) is a manufacturer may be liable for harm to a claimant described in subsection (b);

(B) is a seller may be liable for harm to a claimant described in subsection (c); and

(C) furnishes raw materials or component parts that fail to meet applicable contractual requirements or specifications may be liable for a harm to a claimant described in subsection (d).

(b) LIABILITY AS MANUFACTURER.—

(1) IN GENERAL.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant if the biomaterials supplier is the manufacturer of the implant.

(2) GROUNDS FOR LIABILITY.—The biomaterials supplier may be considered the manufacturer of the implant that allegedly caused harm to a claimant only if the biomaterials supplier—

(A)(i) has registered with the Secretary pursuant to section 510 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360) and the regulations issued under such section; and

(ii) included the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section;

(B) is the subject of a declaration issued by the Secretary pursuant to paragraph (3) that states that the supplier, with respect to the implant that allegedly caused harm to the claimant, was required to—

(i) register with the Secretary under section 510 of such Act (21 U.S.C. 360), and the regulations issued under such section, but failed to do so; or

(ii) include the implant on a list of devices filed with the Secretary pursuant to section 510(j) of such Act (21 U.S.C. 360(j)) and the regulations issued under such section, but failed to do so; or

(C) is related by common ownership or control to a person meeting all the requirements described in subparagraph (A) or (B), if the court deciding a motion to dismiss in accordance with section 126(c)(3)(B)(i) finds, on the basis of affidavits submitted in accordance with section 126, that it is necessary to impose liability on the biomaterials supplier as a manufacturer because the related manufacturer meeting the requirements of subparagraph (A) or (B) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(3) ADMINISTRATIVE PROCEDURES.—

(A) IN GENERAL.—The Secretary may issue a declaration described in paragraph (2)(B) on the motion of the Secretary or on petition by any person, after providing—

(i) notice to the affected persons; and

(ii) an opportunity for an informal hearing.

(B) DOCKETING AND FINAL DECISION.—Immediately upon receipt of a petition filed pursuant to this paragraph, the Secretary shall docket the petition. Not later than 180 days after the petition is filed, the Secretary shall issue a final decision on the petition.

(C) APPLICABILITY OF STATUTE OF LIMITATIONS.—Any applicable statute of limitations shall toll during the period during which a claimant has filed a petition with the Secretary under this paragraph.

(c) LIABILITY AS SELLER.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable as a seller for harm to a claimant caused by an implant if—

(1) the biomaterials supplier—

(A) held title to the implant that allegedly caused harm to the claimant as a result of purchasing the implant after—

(i) the manufacture of the implant; and

(ii) the entrance of the implant in the stream of commerce; and

(B) subsequently resold the implant; or

(2) the biomaterials supplier is related by common ownership or control to a person meeting all the requirements described in paragraph (1), if a court deciding a motion to dismiss in accordance with section 126(c)(3)(B)(ii) finds, on the basis of affidavits submitted in accordance with section 126, that it is necessary to impose liability on the biomaterials supplier as a seller because the related seller meeting the requirements of paragraph (1) lacks sufficient financial resources to satisfy any judgment that the court feels it is likely to enter should the claimant prevail.

(d) LIABILITY FOR VIOLATING CONTRACTUAL REQUIREMENTS OR SPECIFICATIONS.—A biomaterials supplier may, to the extent required and permitted by any other applicable law, be liable for harm to a claimant caused by an implant, if the claimant in an action shows, by a preponderance of the evidence, that—

(1) the raw materials or component parts delivered by the biomaterials supplier either—

(A) did not constitute the product described in the contract between the biomaterials supplier and the person who contracted for delivery of the product; or

(B) failed to meet any specifications that were—

(i) provided to the biomaterials supplier and not expressly repudiated by the biomaterials supplier prior to acceptance of delivery of the raw materials or component parts;

(ii)(I) published by the biomaterials supplier;

(II) provided to the manufacturer by the biomaterials supplier; or

(III) contained in a master file that was submitted by the biomaterials supplier to the Secretary and that is currently maintained by the biomaterials supplier for purposes of premarket approval of medical devices; or

(iii) included in the submissions for purposes of premarket approval or review by the Secretary under section 510, 513, 515, or 520 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360, 360c, 360e, or 360j), and received clearance from the Secretary if such specifications were provided by the manufacturer to the biomaterials supplier and were not expressly repudiated by the biomaterials supplier prior to the acceptance by the manufacturer of delivery of the raw materials or component parts; and

(2) such conduct was an actual and proximate cause of the harm to the claimant.

SEC. 126. PROCEDURES FOR DISMISSAL OF CIVIL ACTIONS AGAINST BIOMATERIALS SUPPLIERS.

(a) MOTION TO DISMISS.—In any action that is subject to this subtitle, a biomaterials supplier who is a defendant in such action may, at any time during which a motion to dismiss may be filed under an applicable law, move to dismiss the action against it on the grounds that—

(1) the defendant is a biomaterials supplier; and

(2)(A) the defendant should not, for the purposes of—

(i) section 125(b), be considered to be a manufacturer of the implant that is subject to such section; or

(ii) section 125(c), be considered to be a seller of the implant that allegedly caused harm to the claimant; or

(B)(i) the claimant has failed to establish, pursuant to section 125(d), that the supplier furnished raw materials or component parts in violation of contractual requirements or specifications; or

(ii) the claimant has failed to comply with the procedural requirements of subsection (b).

(b) MANUFACTURER OF IMPLANT SHALL BE NAMED A PARTY.—The claimant shall be required to name the manufacturer of the implant as a party to the action, unless—

(1) the manufacturer is subject to service of process solely in a jurisdiction in which the biomaterials supplier is not domiciled or subject to a service of process; or

(2) an action against the manufacturer is barred by applicable law.

(c) PROCEEDING ON MOTION TO DISMISS.—The following rules shall apply to any proceeding on a motion to dismiss filed under this section:

(1) AFFIDAVITS RELATING TO LISTING AND DECLARATIONS.—

(A) IN GENERAL.—The defendant in the action may submit an affidavit demonstrating that defendant has not included the implant on a list, if any, filed with the Secretary pursuant to section 510(j) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)).

(B) RESPONSE TO MOTION TO DISMISS.—In response to the motion to dismiss, the claimant may submit an affidavit demonstrating that—

(i) the Secretary has, with respect to the defendant and the implant that allegedly caused harm to the claimant, issued a declaration pursuant to section 125(b)(2)(B); or

(ii) the defendant who filed the motion to dismiss is a seller of the implant who is liable under section 125(c).

(2) EFFECT OF MOTION TO DISMISS ON DISCOVERY.—

(A) IN GENERAL.—If a defendant files a motion to dismiss under paragraph (1) or (2) of subsection (a), no discovery shall be permitted in connection to the action that is the subject of the motion, other than discovery necessary to determine a motion to dismiss for lack of jurisdiction, until such time as the court rules on the motion to dismiss in accordance with the affidavits submitted by the parties in accordance with this section.

(B) DISCOVERY.—If a defendant files a motion to dismiss under subsection (a)(2)(B)(i) on the grounds that the biomaterials supplier did not furnish raw materials or component parts in violation of contractual requirements or specifications, the court may permit discovery, as ordered by the court. The discovery conducted pursuant to this subparagraph shall be limited to issues that are directly relevant to—

(i) the pending motion to dismiss; or

(ii) the jurisdiction of the court.

(3) AFFIDAVITS RELATING STATUS OF DEFENDANT.—

(A) IN GENERAL.—Except as provided in clauses (i) and (ii) of subparagraph (B), the court shall consider a defendant to be a biomaterials supplier who is not subject to an action for harm to a claimant caused by an implant, other than an action relating to liability for a violation of contractual requirements or specifications described in subsection (d).

(B) RESPONSES TO MOTION TO DISMISS.—The court shall grant a motion to dismiss any action that asserts liability of the defendant under subsection (b) or (c) of section 125 on the grounds that the defendant is not a manufacturer subject to such section 125(b) or seller subject to section 125(c), unless the claimant submits a valid affidavit that demonstrates that—

(i) with respect to a motion to dismiss contending the defendant is not a manufacturer, the defendant meets the applicable requirements for liability as a manufacturer under section 125(b); or

(ii) with respect to a motion to dismiss contending that the defendant is not a seller, the defendant meets the applicable requirements for liability as a seller under section 125(c).

(4) BASIS OF RULING ON MOTION TO DISMISS.—

(A) IN GENERAL.—The court shall rule on a motion to dismiss filed under subsection (a) solely on the basis of the pleadings of the parties made pursuant to this section and any affidavits submitted by the parties pursuant to this section.

(B) MOTION FOR SUMMARY JUDGMENT.—Notwithstanding any other provision of law, if the court determines that the pleadings and affidavits made by parties pursuant to this section raise genuine issues as concerning material facts with respect to a motion concerning contractual requirements and specifications, the court may deem the motion to dismiss to be a motion for summary judgment made pursuant to subsection (d).

(d) SUMMARY JUDGMENT.—

(1) IN GENERAL.—

(A) BASIS FOR ENTRY OF JUDGMENT.—A biomaterials supplier shall be entitled to entry of judgment without trial if the court finds there is no genuine issue as concerning any material fact for each applicable element set forth in paragraphs (1) and (2) of section 125(d).

(B) ISSUES OF MATERIAL FACT.—With respect to a finding made under subparagraph (A), the court shall consider a genuine issue of material fact to exist only if the evidence submitted by claimant would be sufficient to allow a reasonable jury to reach a verdict for the claimant if the jury found the evidence to be credible.

(2) DISCOVERY MADE PRIOR TO A RULING ON A MOTION FOR SUMMARY JUDGMENT.—If, under applicable rules, the court permits discovery prior to a ruling on a motion for summary judgment made pursuant to this subsection, such discovery shall be limited solely to establishing whether a genuine issue of material fact exists as to the applicable elements set forth in paragraphs (1) and (2) of section 125(d).

(3) DISCOVERY WITH RESPECT TO A BIOMATERIALS SUPPLIER.—A biomaterials supplier shall be subject to discovery in connection with a motion seeking dismissal or summary judgment on the basis of the inapplicability of section 125(d) or the failure to establish the applicable elements of section 125(d) solely to the extent permitted by the applicable Federal or State rules for discovery against nonparties.

(e) STAY PENDING PETITION FOR DECLARATION.—If a claimant has filed a petition for a declaration pursuant to section 125(b)(3)(A) with respect to a defendant, and the Secretary has not issued a final decision on the petition, the court shall stay all proceedings with respect to that defendant until such time as the Secretary has issued a final decision on the petition.

(f) MANUFACTURER CONDUCT OF PROCEEDING.—The manufacturer of an implant that is the subject of an action covered under this subtitle shall be permitted to file and conduct a proceeding on any motion for summary judgment or dismissal filed by a biomaterials supplier who is a defendant under this section if the manufacturer and any other defendant in such action enter into a valid and applicable contractual agreement under which the manufacturer agrees to bear the cost of such proceeding or to conduct such proceeding.

(g) ATTORNEY FEES.—The court shall require the claimant to compensate the biomaterials supplier (or a manufacturer appearing in lieu of a supplier pursuant to subsection (f)) for attorney fees and costs, if—

(1) the claimant named or joined the biomaterials supplier; and

(2) the court found the claim against the biomaterials supplier to be without merit and frivolous.

SEC. 127. APPLICABILITY.

This subtitle shall apply to all civil actions covered under this subtitle that are commenced on or after the date of enactment of this Act, including any such action with respect to which the harm asserted in the action or the conduct that caused the harm occurred before the date of enactment of this Act.

Subtitle C—Applicability

SEC. 131. APPLICABILITY.

This title shall apply to all civil actions covered under this title that are commenced on or after the date of enactment of this Act, including any such action with respect to which the harm asserted in the action or the conduct that caused the injury occurred before the date of enactment of this Act.

TITLE II—PROTECTION OF THE HEALTH AND SAFETY OF PATIENTS

SEC. 201. ADDITIONAL RESOURCES FOR STATE HEALTH CARE QUALITY ASSURANCE AND ACCESS ACTIVITIES.

Each State shall require that not less than 50 percent of all awards of punitive damages resulting from all health care liability actions in that State, if punitive damages are otherwise permitted by applicable law, be used for activities relating to—

(1) the licensing, investigating, disciplining, and certification of health care professionals in the State; and

(2) the reduction of malpractice-related costs for health care providers volunteering to provide health care services in medically underserved areas.

SEC. 202. QUALITY ASSURANCE, PATIENT SAFETY, AND CONSUMER INFORMATION.

(a) ADVISORY PANEL.—

(1) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Administrator of the Agency for Health Care Policy and Research (hereafter referred to in this section as the "Administrator") shall establish an advisory panel to coordinate and evaluate, methods, procedures, and data to enhance the quality, safety, and effectiveness of health care services provided to patients.

(2) PARTICIPATION.—In establishing the advisory panel under paragraph (1), the Administrator shall ensure that members of the panel include representatives of public and private sector entities having expertise in quality assurance, risk assessment, risk management, patient safety, and patient satisfaction.

(3) OBJECTIVES.—In carrying out the duties described in this section, the Administrator, acting through the advisory panel established under paragraph (1), shall conduct a survey of public and private entities involved in quality assurance, risk assessment, patient safety, patient satisfaction, and practitioner licensing. Such survey shall include the gathering of data with respect to—

(A) performance measures of quality for health care providers and health plans;

(B) developments in survey methodology, sampling, and audit methods;

(C) methods of medical practice and patterns, and patient outcomes; and

(D) methods of disseminating information concerning successful health care quality improvement programs, risk management and patient safety programs, practice guidelines, patient satisfaction, and practitioner licensing.

(b) GUIDELINES.—Not later than 2 years after the date of enactment of this Act, the Administrator shall, in accordance with chapter 5 of title 5, United States Code, establish health care quality assurance, patient safety and consumer information guidelines. Such guidelines shall be modified periodically when determined appropriate by the Administrator. Such guidelines shall be advisory in nature and not binding.

(c) REPORTS.—

(1) INITIAL REPORT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall prepare and submit to the Committee on Labor and Human Resources of the Senate and the Committee on Commerce of the House of Representatives, a report that contains—

(A) data concerning the availability of information relating to risk management, quality assessment, patient safety, and patient satisfaction;

(B) an estimation of the degree of consensus concerning the accuracy and content of the information available under subparagraph (A);

(C) a summary of the best practices used in the public and private sectors for disseminating information to consumers; and

(D) an evaluation of the National Practitioner Data Bank (as established under the Health Quality Improvement Act of 1986), for reliability and validity of the data and the effectiveness of the Data Bank in assisting hospitals and medical groups in overseeing the quality of practitioners.

(2) INTERIM REPORT.—Not later than 1 year after the date of enactment of this Act, the Administrator shall prepare and submit to the Committees referred to in paragraph (1) a report, based on the results of the advisory panel survey conducted under subsection (a)(3), concerning—

(A) the consensus of indicators of patient safety and risk;

(B) an assessment of the consumer perspective on health care quality that includes an examination of—

(i) the information most often requested by consumers;

(ii) the types of technical quality information that consumers find compelling;

(iii) the amount of information that consumers consider to be sufficient and the amount of such information considered overwhelming; and

(iv) the manner in which such information should be presented;

and recommendations for increasing the awareness of consumers concerning such information;

(C) proposed methods, building on existing data gathering and dissemination systems, for ensuring that such data is available and accessible to consumers, employers, hospitals, and patients;

(D) the existence of legal, regulatory, and practical obstacles to making such data available and accessible to consumers;

(E) privacy or proprietary issues involving the dissemination of such data;

(F) an assessment of the appropriateness of collecting such data at the Federal or State level;

(G) an evaluation of the value of permitting consumers to have access to information contained in the National Practitioner Data Bank and recommendations to improve the reliability and validity of the information; and

(H) the reliability and validity of data collected by the State medical boards and recommendations for developing investigation protocols.

(3) ANNUAL REPORT.—Not later than 1 year after the date of the submission of the report under paragraph (2), and each year thereafter, the Administrator shall prepare and submit to the Committees referred to in paragraph (1) a report concerning the progress of the advisory panel in the development of a consensus with respect to the findings of the panel and in the development and modification of the guidelines required under subsection (b).

(4) TERMINATION.—The advisory panel shall terminate on the date that is 3 years after the date of enactment of this Act.

TITLE III—SEVERABILITY

SEC. 301. SEVERABILITY.

If any provision of this Act, an amendment made by this Act, or the application of such provision or amendment to any person or circumstance is held to be unconstitutional, the remainder of this Act, the amendments made by this Act, and the application of the provisions of such to any person or circumstance shall not be affected thereby.

HEALTH CARE LIABILITY REFORM AND QUALITY ASSURANCE ACT OF 1997

TITLE I—LIABILITY REFORM

SUBTITLE A—HEALTH CARE LIABILITY REFORM

1. Scope

The bill: Applies to any action, filed in federal or state court, against a health care provider, professional, payor, hmo, insurance company or any other defendant (except in cases based on vaccine-related injuries);

Preempts state law to the extent it is inconsistent with the provisions herein; no preemption for state laws which provide, among other things: a. additional defenses; b. greater limitations on attorneys' fees; c. greater restrictions on punitive or non-economic damages; d. maximum limit on the total damages.

Does not create federal jurisdiction for health care liability actions.

2. Uniform statute of limitations

Cases could be filed two years from the date that the injury was discovered or should have been discovered, except that any person under a legal disability may file within two years after the disability ceases.

3. Limit on punitive damages

Punitive damages will be awarded if it is proven by clear and convincing evidence that the defendant: a. intended to injure; b. understood claimant was substantially certain to suffer unnecessary injury and deliberately failed to avoid injury; or c. acted with conscious disregard of substantial and unjustifiable risk which defendant failed to avoid in a way which constitutes a gross deviation from the normal standard of conduct.

No punitive damages where compensatory damages of less than $500 are awarded.

Trier of fact determines if punitive damages are allowed. If so, then a separate proceeding is conducted by the court.

In determining the amount, court must consider only: a. severity of harm; b. duration of defendant's conduct and any concealment; c. profitability of defendant's conduct; d. number of products sold/procedures rendered which caused similar harm; e. similar awards of punitive damages in similar circumstances; f. criminal penalties imposed on defendant; g. civil fines imposed.

No award may exceed the greater of 3 times the amount of economic damages or $250,000.

4. Periodic payment of future damages

No more than $100,000 of future damages may be required to be paid in one single payment. The court will determine the schedule for payments, based on projection of future losses and reduced to present value. This requirement may be waived, in the interests of justice.

5. Several, not joint, liability

A defendant would be liable only for the amount of non-economic and punitive damages allocated to defendant's direct proportion of fault or responsibility. The trier of fact determines percentage of responsibility of each defendant.

6. Collateral source

Total damages must be reduced by payments from other sources to compensate individuals for injury that is the subject of the health care liability action. The offset is reduced by any amount paid by the injured party (or family member) to secure the payment. The reductions must be determined by the judge in a pretrial proceeding.

7. Attorneys' fees

This section limits attorney contingent fees to 33⅓% of the first $150,000 and 25% of any amount in excess of $150,000.

8. Obstetric cases

This section precludes a malpractice award against a health care professional relating to delivery of a baby, if the health care professional did not previously treat the woman during the pregnancy, unless malpractice is proven by clear and convincing evidence.

9. State-based alternative dispute resolution

Prior to the filing, or immediately following the filing of the action, the parties are encouraged to participate in a state administered alternative dispute resolution system.

The Attorney General will develop adr methods for use by the states, including arbitration, mediation, early neutral evaluation, early offer and recovery. The parties may elect binding arbitration.

10. Certificate of merit

The certificate of merit provision requires that, prior to bringing a lawsuit, an individual (or his or her attorney) must submit an affidavit declaring that a qualified specialist reviewed the facts and concluded that the claim is meritorious.

A qualified specialist means a health care professional with expertise (the specialist practices or teaches or has experience or demonstrated competence) in the same or substantially similar area of practice as that involved in the case.

A court may impose sanctions for the submission of a false affidavit.

SUBTITLE B—BIOMATERIAL ACCESS ASSURANCE

1. Summary

The Biomaterial Access Assurance Act would allow suppliers of the raw materials (biomaterial) used to make medical implants, to obtain dismissal, without extensive discovery or other legal costs, in certain tort suits in which plaintiffs allege harm from a finished medical implant.

TITLE II—PROTECTION OF PATIENT HEALTH AND SAFETY

1. Quality assurance

The quality assurance section requires each state to establish a health care quality assurance program and fund, approved by the Secretary of HHS. It also allocates 50% of all punitive damage awards to be transferred to the fund for the purpose of licensing and certifying health professionals, implementing programs, including programs to reduce malpractice costs for volunteers serving under served areas.

2. Risk management programs

Finally, professionals and providers must participate in a risk management program to prevent and provide early warning of practices which may result in injuries. Insurers also must establish risk management programs and require participation, once every 3 years, as a condition of maintaining insurance.

By Ms. MOSELEY-BRAUN (for herself and Mr. DEWINE):

S. 887. A bill to establish in the National Park Service the National Underground Railroad Network to Freedom Program, and for other purposes; to the Committee on Energy and Natural Resources.

THE NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM ACT OF 1997

Ms. MOSELEY-BRAUN. Mr. President, I am pleased to have the opportunity today to introduce the National Underground Railroad Network to Freedom Act of 1997.

The Underground Railroad, as my colleagues know, was among the most successful efforts in history in helping to undermine and destroy the institution of slavery in the United States. Beginning during the colonial period, this clandestine resistance movement reached its peak in the 19th century, helping hundreds of thousands of African-Americans flee servitude in the South and begin new lives in the North, and in Canada, Mexico, and the Caribbean.

Despite its historical significance, the Underground Railroad has not been officially recognized in any fashion. Consequently, in 1990, my distinguished former colleague, Senator Paul Simon, and former Congressman Pete Kostmayer of Pennsylvania, introduced legislation directing the National Park Service to explore and study options for commemorating the Underground Railroad. Congress passed that legislation later that year, and the National Park Service went to work gathering information on the routes and sites used by the Underground Railroad.

That study, completed in 1996, found that the Underground Railroad story was of national significance. The study documented over 380 sites, including 27 national park units, national historic landmarks, routes, privately owned buildings, and churches associated with this resistance movement. The study also found that many of these sites were in imminent danger of being lost or destroyed, and that despite a tremendous amount of interest in the Underground Railroad, little organized coordination and communication existed among interested individuals and organizations. The study reached a final recommendation that the U.S. Congress should authorize and fund a national initiative to support, preserve, and commemorate the sites and routes associated with the Underground Railroad.

Mr. President, the bill I am introducing today, along with my distinguished colleague from Ohio, Senator DEWINE, will enact many of the findings of that National Park Service study into law. Our bill, the National Underground Railroad Network to Freedom Act, will create within the National Park Service a nationwide network of historic buildings, routes, programs, projects, and museums that have certifiable thematic connections to the Underground Railroad. The bill will also allow the National Park Service to produce and disseminate educational and informational materials on the Underground Railroad, and enter into cooperative agreements with Federal agencies, State and local government, and historical societies to provide technical assistance and coordination among network participants. Participation in the network by private property owners is purely voluntary.

This bill does not create a new park unit in the traditional sense. In order to ensure the maximum safety and secrecy of its activities, the Underground Railroad was an amorphous and loosely organized system. No single site or route, therefore, completely characterizes the Underground Railroad, making it unfeasible that these sites could have boundaries and be operated as a traditional national park. Instead, it is the intent of this bill to create a network of cooperative partnerships, identified by an official or unifying symbol or device, at a limited annual operating cost.

Mr. President, we will never know how many individuals were freed from servitude, or how many Americans, black and white, women and men, mayors, ministers, businessmen, housewives, or former slaves endangered or sacrificed their lives in the defense of the belief that no American, and no human, should be bought, traded, or sold.

That's why I urge my colleagues to swiftly pass the Underground Railroad Network to Freedom Act. This bill grants Federal recognition to the Underground Railroad as a significant aspect of American history. This bill helps to preserve the structures and artifacts of an organized resistance movement for freedom. And finally, and most important, this bill commemorates those Americans whose efforts helped destroy the ugly legacy of slavery in this country.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

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

S. 887

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 "National Underground Railroad Network to Freedom Act of 1997".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds that—

(1) the Underground Railroad, which flourished from the end of the 18th century to the end of the Civil War, was 1 of the most significant expressions of the American civil rights movement during its evolution over more than 3 centuries;

(2) the Underground Railroad bridged the divides of race, religion, sectional differences, and nationality, spanned State lines and international borders, and joined the American ideals of liberty and freedom expressed in the Declaration of Independence and the Constitution to the extraordinary actions of ordinary men and women working in common purpose to free a people;

(3) pursuant to title VI of Public Law 101–628 (16 U.S.C. 1a–5 note; 104 Stat. 4495), the Underground Railroad Advisory Committee conducted a study of the appropriate means of establishing an enduring national commemorative Underground Railroad program of education, example, reflection, and reconciliation;

(4) the Underground Railroad Advisory Committee found that—

(A) although a few elements of the Underground Railroad story are represented in existing National Park Service units and other sites, many sites are in imminent danger of being lost or destroyed, and many important resource types are not adequately represented and protected;

(B) there are many important sites that have high potential for preservation and visitor use in 29 States, the District of Columbia, and the Virgin Islands;

(C) no single site or route completely reflects and characterizes the Underground Railroad, since the Underground Railroad's story and associated resources involve networks and regions of the country rather than individual sites and trails; and

(D) establishment of a variety of partnerships between the Federal Government and other levels of government and the private sector would be most appropriate for the protection and interpretation of the Underground Railroad;

(5) the National Park Service can play a vital role in facilitating the national commemoration of the Underground Railroad; and

(6) the story and significance of the Underground Railroad can best engage the American people through a national program of the National Park Service that links historic buildings, structures, and sites, routes, geographic areas, and corridors, interpretive centers, museums, and institutions, and programs, activities, community projects, exhibits, and multimedia materials, in a manner that is both unified and flexible.

(b) PURPOSES.—The purposes of this Act are—

(1) to recognize the importance of—

(A) the Underground Railroad;

(B) the sacrifices made by slaves who used the Underground Railroad in search of freedom from tyranny and oppression; and

(C) the sacrifices made by the people who helped those slaves; and

(2) to authorize the National Park Service to coordinate and facilitate—

(A) Federal and non-Federal activities to commemorate, honor, and interpret the history of the Underground Railroad;

(B) the Underground Railroad's significance as a crucial element in the evolution of the national civil rights movement; and

(C) the Underground Railroad's relevance in fostering a spirit of racial harmony and national reconciliation.

SEC. 3. NATIONAL UNDERGROUND RAILROAD NETWORK TO FREEDOM PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior (referred to in this Act as the "Secretary") shall establish in the National Park Service a program to be known as the "National Underground Railroad Network to Freedom" (referred to in this Act as the "National Network"). Under the program, the Secretary shall—

(1) produce and disseminate appropriate educational materials, such as handbooks, maps, interpretive guides, or electronic information;

(2) enter into appropriate cooperative agreements and memoranda of understanding to provide technical assistance under subsection (c); and

(3) create and adopt an official and uniform symbol or device for the National Network and issue regulations for use of the symbol or device.

(b) ELEMENTS.—The National Network shall include—

(1) any unit or program of the National Park Service determined by the Secretary to pertain to the Underground Railroad;

(2) any other Federal, State, local, or privately owned property pertaining to the Underground Railroad that has a verifiable connection to the Underground Railroad and that is included on, or determined by the Secretary to be eligible for inclusion on, the National Register of Historic Places;

(3) any other governmental or nongovernmental facility or program of an educational, research, or interpretive nature that is directly related to the Underground Railroad.

(c) COOPERATIVE AGREEMENTS AND MEMORANDA OF UNDERSTANDING.—To achieve the purposes of this Act and to ensure effective coordination of the Federal and non-Federal elements of the National Network referred to in subsection (b) with National Park Service units and programs, the Secretary may enter into a cooperative agreement or memorandum of understanding with, and provide technical assistance to—

(1) the head of another Federal agency, a State, a locality, a regional governmental body, or a private entity; or

(2) in cooperation with the Secretary of State, the Government of Canada, Mexico, or any appropriate country in the Caribbean.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this Act—

(1) $500,000 for fiscal year 1998; and

(2) $1,000,000 for each fiscal year thereafter.

ADDITIONAL COSPONSORS

S. 20

At the request of Mr. DASCHLE, the name of the Senator from Illinois [Mr. DURBIN] was added as a cosponsor of S. 20, a bill to amend the Internal Revenue Code of 1986 to increase the rate and spread the benefits of economic growth, and for other purposes.

S. 28

At the request of Mr. THURMOND, the name of the Senator from Indiana [Mr. COATS] was added as a cosponsor of S. 28, a bill to amend title 17, United States Code, with respect to certain exemptions from copyright, and for other purposes.

S. 387

At the request of Mr. HATCH, the name of the Senator from Colorado [Mr. CAMPBELL] 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. 411

At the request of Mrs. HUTCHISON, the name of the Senator from Connecticut [Mr. LIEBERMAN] was added as a cosponsor of S. 411, a bill to amend the Internal Revenue Code of 1986 to provide a tax credit for investment necessary to revitalize communities within the United States, and for other purposes.

S. 419

At the request of Mr. BOND, the name of the Senator from Massachusetts [Mr. KENNEDY] was added as a cosponsor of S. 419, a bill to provide surveillance, research, and services aimed at prevention of birth defects, and for other purposes.

S. 496

At the request of Mr. SPECTER, his name was added as a cosponsor of S. 496, a bill to amend the Internal Revenue Code of 1986 to provide a credit against income tax to individuals who rehabilitate historic homes or who are the first purchasers of rehabilitated historic homes for use as a principal residence.

S. 555

At the request of Mr. ALLARD, the names of the Senator from South Carolina [Mr. HOLLINGS], the Senator from Oklahoma [Mr. INHOFE], the Senator from North Carolina [Mr. FAIRCLOTH], the Senator from Kansas [Mr. ROBERTS], and the Senator from Colorado [Mr. CAMPBELL] were added as cosponsors of S. 555, a bill to amend the Solid Waste Disposal Act to require that at least 85 percent of funds appropriated to the Environmental Protection Agency from the Leaking Underground Storage Tank Trust Fund be distributed to States to carry out cooperative agreements for undertaking corrective action and for enforcement of subtitle I of that Act.

S. 561

At the request of Mr. SHELBY, the name of the Senator from Alaska [Mr. STEVENS] was added as a cosponsor of S. 561, a bill to require States receiving prison construction grants to implement requirements for inmates to perform work and engage in educational activities, to eliminate certain sentencing inequities for drug offenders, and for other purposes.

S. 622

At the request of Mr. HATCH, the name of the Senator from South Dakota [Mr. JOHNSON] was added as a cosponsor of S. 622, a bill to amend the Internal Revenue Code of 1986 to modify the application of the pension nondiscrimination rules to governmental plans.

S. 627

At the request of Mr. JEFFORDS, the name of the Senator from California [Mrs. BOXER] was added as a cosponsor of S. 627, a bill to reauthorize the African Elephant Conservation Act.

S. 720

At the request of Mr. GRASSLEY, the names of the Senator from California [Mrs. FEINSTEIN] and the Senator from Virginia [Mr. ROBB] were added as cosponsors of S. 720, a bill to amend titles XVIII and XIX of the Social Security Act to expand and make permanent the availablity of cost-effective, comprehensive acute and long-term care services to frail elderly persons through Programs of All-inclusive Care for the Elderly (PACE) under the medicare and medicaid programs.

S. 725

At the request of Mr. CAMPBELL, the name of the Senator from Colorado [Mr. ALLARD] was added as a cosponsor of S. 725, a bill to direct the Secretary of the Interior to convey the Collbran Reclamation Project to the Ute Water Conservancy District and the Collbran Conservancy District.

S. 757

At the request of Mr. GRASSLEY, the names of the Senator from Nebraska [Mr. KERREY], the Senator from Nebraska [Mr. HAGEL], the Senator from Arkansas [Mr. HUTCHINSON], the Senator from Virginia [Mr. ROBB], the Senator from Maine [Ms. COLLINS], and the Senator from Mississippi [Mr. COCHRAN] were added as cosponsors of S. 757, a bill to amend the Employee

Retirement Savings Act of 1974 to promote retirement income savings through the establishment of an outreach program in the Department of Labor and periodic National Summits on Retirement Savings.

S. 781

At the request of Mr. HATCH, the names of the Senator from Utah [Mr. BENNETT], the Senator from Virginia [Mr. WARNER], the Senator from Nebraska [Mr. HAGEL], and the Senator from Montana [Mr. BURNS] were added as cosponsors of S. 781, a bill to establish a uniform and more efficient Federal process for protecting property owners' rights guaranteed by the fifth amendment.

S. 829

At the request of Mrs. BOXER, the name of the Senator from Vermont [Mr. JEFFORDS] was added as a cosponsor of S. 829, a bill to amend the Internal Revenue Code of 1986 to encourage the production and use of clean-fuel vehicles, and for other purposes.

S. 852

At the request of Mr. LOTT, the name of the Senator from Virginia [Mr. WARNER] was added as a cosponsor of S. 852, a bill to establish nationally uniform requirements regarding the titling and registration of salvage, nonrepairable, and rebuilt vehicles.

S. 866

At the request of Mrs. HUTCHISON, the name of the Senator from Mississippi [Mr. LOTT] was added as a cosponsor of 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.

S. 873

At the request of Mr. ASHCROFT, the name of the Senator from North Carolina [Mr. HELMS] was added as a cosponsor of S. 873, a bill to amend the prohibition of title 18, United States Code, against financial transactions with state sponsors of international terrorism.

SENATE RESOLUTION 92

At the request of Mr. LAUTENBERG, the names of the Senator from Oklahoma [Mr. NICKLES], the Senator from Oregon [Mr. SMITH], the Senator from Virginia [Mr. WARNER], the Senator from Ohio [Mr. GLENN], the Senator from Alaska [Mr. STEVENS], the Senator from New Mexico [Mr. DOMENICI], the Senator from Connecticut [Mr. DODD], the Senator from Nebraska [Mr. HAGEL], the Senator from Louisiana [Ms. LANDRIEU], the Senator from North Carolina [Mr. HELMS], the Senator from Indiana [Mr. COATS], the Senator from Kentucky [Mr. FORD], the Senator from West Virginia [Mr. BYRD], the Senator from Alaska [Mr. MURKOWSKI], the Senator from Kentucky [Mr. MCCONNELL], the Senator from Nebraska [Mr. KERREY], the Senator from Hawaii [Mr. AKAKA], the Senator from California [Mrs. BOXER], and the Senator from Oregon [Mr. WYDEN] were added as cosponsors of Senate Resolution 92, a resolution designating July 2, 1997, and July 2, 1998, as "National Literacy Day."

ADDITIONAL STATEMENTS

MEDICARE AND THE ADJUSTED AVERAGE PER CAPITA COST

• Mr. GRAMS. Mr. President, during the Budget Committee's debate on the fiscal year 1998 budget resolution, I joined with my colleague from Oregon, Senator WYDEN to introduce a Sense-of-the-Senate amendment regarding the Medicare reimbursement rate for health plans. In fact, most of my colleagues on the Budget Committee cosponsored this amendment, and I was pleased to see it incorporated into the final budget resolution passed by the Senate.

Reforming the way Medicare determines the reimbursement rate for managed care plans is critical to provide Medicare equity in States like my home State of Minnesota—especially for those citizens in rural communities in my State and throughout the country.

Mr. President, there are three points I would like to emphasize.

First, the Medicare reimbursement rate is unfair. While every American pays the same 2.9-percent payroll tax to the Medicare trust fund, Minnesotans find themselves with the second-lowest reimbursement rates in the Nation. Every single county in Minnesota falls below the national average in terms of Medicare reimbursement. In fact, Minnesota is not alone in this category. There are 16 States in which every county is below the national average—Iowa, Idaho, Maine, Minnesota, Montana, Nebraska, New Hampshire, New Mexico, North Dakota, Oregon, South Carolina, South Dakota, Vermont, Washington, Wisconsin, and Wyoming. Clearly, Mr. President, having this many States without a single county at the national average indicates something is wrong with the system.

Second, the Medicare reimbursement formula discourages quality health care. Minnesota has consistently been recognized throughout the Nation, and perhaps the world, as one of the most innovative, efficient, cost, and quality-conscious States in terms of health care. Yet, these same traits—which should be encouraged, not discouraged—have skewed the Medicare formula against our providers and beneficiaries. We are being penalized for our success, while those less efficient States benefit—and have no incentive to move in our direction.

Mr. President, I think it is clear to everyone that efficient health care markets have reduced overutilization, eliminated unneeded hospital beds, and aimed for the highest quality service at the lowest price. Urban areas that are efficient in delivering health care—like Minneapolis, MN—decrease overutilization in the fee-for-service category of Medicare. This reduces the adjusted average per capita cost [AAPCC] which makes it difficult for health plans to remain competitive due to the lower payment.

Third, the Medicare reimbursement formula discriminates against seniors who live in rural communities. These rural Americans already face fewer health care options than those living in urban centers. Because of the lower reimbursement rates health plans receive, there is no incentive for them to offer their services—let alone provide extra benefits many seniors in other States receive at no added cost. That means even fewer choices for the senior citizens living in rural Minnesota.

Mr. President, no one would suggest that we take away the extra benefits seniors receive in other States; indeed, we should encourage health plans to do what they can to provide these benefits, while at the same time focusing on the need to become more efficient and cost-effective. However, what we are saying is that senior citizens living in rural America should at the very least have the opportunity to make these same choices in their health care plan.

I'd like to conclude by offering an example of how the disparity in payment affects the benefits of two seniors living in different States.

A Medicare beneficiary living in Blue Earth County, MN, who would like to enroll in a health plan would have none offered at the reimbursement rate of $302 a month. Not one health plan is willing to offer even basic Medicare coverage at this rate. He or she would have no choice but to enroll in the fee-for-service plan and incur higher out-of-pocket expenses.

However, this same beneficiary's brother, sister or cousin living in Los Angeles County, CA would have their choice of 15 health plans offering full Medicare coverage and in addition, receive a $1,500 prescription drug benefit, $150 credit for hearing aids, and dental coverage. Why do they have these choices? Because their health plans are reimbursed $519 a month and can afford to offer the extra benefits. This disparity is not fair—and it must be fixed.

Mr. President, while I am pleased the Senate has gone on record in support of my sense-of-the-Senate amendment included in the budget resolution, we need to move forward in changing the system. As we begin consideration of the reconciliation bills, I ask all my

colleagues to examine this issue carefully and restore some equity in this outdated formula.•

THE 100TH ANNIVERSARY OF CNA INSURANCE CO.

• Mr. DURBIN. Mr. President, I rise today to recognize the 100th anniversary of CNA Insurance Co., whose headquarters are located in the city of Chicago in my home State of Illinois.

CNA is one of the Nation's largest insurance companies. It employs over 20,000 people nationwide, 6,000 of whom live and work in Illinois. It has offices in more than 100 cities and is represented by nearly 80,000 independent insurance agents across the country.

CNA has always prided itself on being an innovator in the insurance industry. When women began to enter the work force in the early 1900's, CNA was among the first to offer them accident and health coverage. CNA also met the concerns of farmers by developing a new product specifically tailored to their accident and health needs. CNA was one of the first companies to offer worker's compensation coverage and was one of the first to provide retirement income annuities for senior citizens before the establishment of Social Security.

CNA has also played a behind-the-scenes role in some of our Nation's most memorable events. CNA insured Presidential candidates Adlai Stevenson and Dwight Eisenhower against accidents during their campaigns in 1952 and insured President John F. Kennedy's inaugural festivities. It also insured the Beatles' 1965 Shea Stadium performance for the Ed Sullivan Show and the Apollo 16 astronauts' 1972 flight to the moon.

Mr. President, I ask to have printed in the RECORD a more detailed history of CNA that was recently prepared by the company and I would like to congratulate CNA for 100 years of insuring America. I hope that during the next 100 years, CNA continues its record of success and remains a leader in the insurance industry.

The material follows:

A TRIBUTE TO CNA IN CELEBRATION OF ITS CENTENNIAL

CNA Stands for Commitment, 1897–1997

INTRODUCTION

CNA, one of the country's largest commercial insurance groups, is celebrating one hundred years of commitment and service to the American people both at home and abroad. Since 1897, whenever America has sought a sense of security, CNA has been there, anticipating that need and forging its reputation as an industry innovator. Railroad workers, teachers, movie stars, athletes, even U.S. Presidents have depended on CNA's protection against both expected risks and unforeseen dangers.

Since its modest beginnings in Detroit, Michigan, with $100,000 in capital stock and a $60,000 surplus, CNA has become one of the largest property/casualty insurers in the nation, with over $60 billion in assets. Originally operating out of a two-room office with 15 employees, CNA today occupies some 400 office sites in over 100 cities and employs over 20,000 people nationwide. Now headquartered in Chicago, CNA directly employs more than 6,000 people in Illinois alone. Almost 80,000 agents currently represent CNA throughout the United States, testament to the company's successful alliance with independent agents.

CNA's exemplary accomplishment—a century culminating in financial stability and preeminence in the industry—attests to its history of astute leadership, integrity and commitment to quality service.

THE FOUNDING

Collins Hubbard, CNA's founder, set the course of perceptive leadership that has guided CNA to the top of the insurance industry. Calling together several of his colleagues, Hubbard proposed a company that would insure America's working class against unexpected disasters. The Continental Assurance Company of North America, as CNA was then known, provided coverage with an innovative twist: both accident and health insurance, at a time when most of its contemporaries offered only accident coverage.

Focusing on railroad workers as its initial customer base, CNA became the largest insurer in Michigan within two years of its founding. Despite its rapid growth, the fledgling company faced intense competition from other insurance companies. In light of this, the company underwent two major changes. First, it changed its name to the more forceful and representative, Continental Casualty Company. Then, in September 1900, the company merged with Metropolitan Accident Company, a Chicago insurer, and moved its headquarters to Chicago. This strategy catapulted the combined companies to fifth among the nation's accident insurers.

CNA BECOMES AN INDUSTRY LEADER

Early in the 20th century, CNA distinguished itself as a leader in the insurance industry by demonstrating the capacity for discerning new markets and developing innovative products. When women began to enter the work force, CNA was among the first to provide them with accident and health coverage. As agricultural production expanded, CNA devised new products specifically geared to farmers' accident and health concerns.

CNA reinforced its position at the forefront of the industry in 1910 by expanding beyond accident and health into different lines of insurance such as liability, auto insurance and burglary. In 1911, the company entered the life insurance field by forming the Continental Assurance Company. In 1915, CNA began offering workers' compensation coverage as factories employed more people to increase output for the World War I effort.

Policies combining multiple lines of insurance proved successful, particularly as automobiles—and accidents involving automobiles—became commonplace. Motorist coverage insured both the driver and any persons injured or property damage.

The growth of an affluent American middle-class meant increased incidents of theft. Property owners' concerns were met by CNA's wide range of burglary insurance—protecting against bank robberies, home break-ins and safe deposit box theft.

GROUPS AND ASSOCIATIONS

By the early 1920s, the flourishing company was operating in every state and territory of the United States, as well as every province in Canada. That decade also marked the beginning of CNA's pioneering relationship with associations, a relationship that has lasted until the present day and has played a significant role in CNA's rise to the upper echelon of insurance companies.

CNA is credited with the first teachers association group policy, written for the Cleveland Teachers Association in 1921. CNA insured the American Society of Civil engineers in 1945, becoming the first insurer to successfully install a group plan for a nationwide association. Teaming up with the American Camping Association in the 1950s, CNA initiated an educational campaign to promote camp safety and insure campers. Camp insurance led to the formation of "PONY," Protect Our Nation's Youth, a youth program offering medical expense reimbursement from kindergarten through college.

CNA has also demonstrated unwavering commitment to the nation's retirement-age population. In the 1930s, before compulsory Social Security, the company was among the first to offer retirement income annuities. by 1955, CNA had developed the first group health plan for those over 65. Originally conceived as a group medical insurance plan for retired teachers associations, the plan evolved into "Golden 65", a policy offered directly to the individual. After the implementation of Medicare in the summer of 1965, CNA redesigned Golden 65 to complement the Medicare plan, while other insurers exited the over-65 health insurance field.

DEPENDABILITY IN TIMES OF CRISIS

Dependability in times of crisis is a CNA hallmark. The company refused to exit the field of polio insurance at a time when the nation was literally crippled by the rampant, dreaded disease. CNA introduced its polio coverage the year of the worse polio outbreak in two decades. It continued to provide comprehensive and affordable polio coverage for the duration of the epidemic.

The company's willingness to take on the challenge of even the most unusual coverage request has marked its true American spirit—bold, enterprising and innovative. Where other companies see uninsurable risks, CNA sees possibilities—a company trait that has ensured its success and longevity in the insurance business. CNA has staunchly stood behind Americans in all manner of pursuits and ventures, these past 100 years.

CNA insured presidential hopefuls Adlai Stevenson and Dwight Eisenhower against accidents during their campaign trips in 1952. When John F. Kennedy was inaugurated as the nation's 35th president, CNA provided liability coverage for the ceremonial activities. In 1965, President Lyndon B. Johnson asked CNA to write the bond for the train that stood waiting in case emergency evacuation was necessary during Martin Luther King's civil rights protest march to Montgomery, Alabama. The 1968 Democratic Convention in Chicago was covered by CNA's liability insurance.

A special CNA reinsurance policy covered the cancellation or postponement of the 1965 Shea Stadium performance of the Beatles for the Ed Sullivan show. The Apollo 16 astronauts were insured in case of accidental death on their 1972 flight to the moon.

Little League teams around the country have enjoyed CNA protection since 1948, as have Indianapolis 500 drivers, pit crews and race officials. The American athletes competing in the 1952 Helsinki Olympic games were insured by CNA. Water events at the 1996 Atlanta Olympics were covered by MOAC, CNA's marine unit.

CNA CARES ABOUT COMMUNITY

CNA's commitment to its employees, its clients, and the American people extends far beyond insurance. The company encourages and subsidizes both employees and CNA leadership in community projects. In the 1920's, the company sought to enrich the lives of its employees through its Continental Welfare Association which offered disability pensions, life insurance and retirement pensions.

Later, during World War II, the employees reached out to help in the war effort. CNA employees organized their own chapter of the Red Cross, calling it the Continental Red Cross. By the midpoint of the war, Continental employees had invested $232,418 in war bonds.

Today, in more peaceful times, CNA and its employees have dedicated time and resources toward the education of the nation's youth. In the early 1980's, CNA sponsored Illinois' first math contest. With the Chicago Urban League, the Chicago Board of Education, and the Illinois Council of Teachers of Mathematics CNA developed MATHCOUNTS, a model math tutorial program. The program quickly garnered nationwide attention. By 1984, MATHCOUNTS had evolved into the country's first nationwide math contest boasting as cosponsors the National Society of Professional Engineers, the National Council of Teachers of Mathematics, the National Aeronautics and Space Administration, and the U.S. Department of Education.

CNA's investment in the nation's future—its children—is evident in CNA's involvement with the Leadership for Quality Education, a coalition of business and civil leaders working to improve the Chicago school system. OUt of this, CNA created Project Participate, providing paid time off, resources and training to employees wishing to run for Chicago's Local School Councils. CNA has also adopted Chicago's Mark Skinner School as part of the Chicago Board of Education's Adopt-A-School Program.

CONCLUSION

CNA stands for a century of commitment, stability and financial strength. Entering the final years of the 10th century, the company prepared for the 21st century in typical CNA fashion—it acquired the Continental Insurance Company in 1995. This merger, the most significant property/casualty insurance merger in the last 25 years, expanded CNA's scope—elevating its presence worldwide, adding new specialty operations and pooling the considerable talent and resources of both companies.

As the new millennium approaches, unfathomable leaps in technology, social transformations and economic upheaval are as much a source of apprehension today as in 1897. CNA saw the birth of a new century that brought with it several wars, a severe economic depression, fantastic advances in modes of travel and communication, social change and natural disasters. It has met the challenges of the past 100 years and stands poised for another century, confident of its continued success based on its core values: commitment, stability and financial strength.•

TRIBUTE TO THE MEMORY OF KAREN E. WETTERHAHN, PH.D.

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to the memory of the late Dr. Karen E. Wetterhahn of Lyme, NH. Karen was an Albert Bradley third century professor in the sciences at Dartmouth College, who died of mercury poisoning on June 8 while working on the cutting edge of the scientific and academic communities.

Karen, a research chemist of international reputation, spanned the fields of inorganic chemistry, biochemistry, and chemical toxicology. Sometime last year while working with dimethyl mercury, she came in contact with and received mercury poisoning during her studies of mercury toxicity. A dedicated member of the Dartmouth community, her work involved understanding how elevated levels of the elements known as heavy metals, which include chromium, lead, and arsenic, interfere with the processes of cell metabolism and the transfer of genetic information.

Karen not only shaped the work inside her laboratory but in the classroom as well. Dr. Wetterhahn helped to develop curriculum in the life science area know as structural biology, which studies the structure of biologically active molecules such as DNA, RNA, and proteins to learn how they function.

She was born in Plattsburgh, NY, in 1948 and graduated from St. Mary's High School in Champlain, NY. Karen graduated magna cum laude at St. Lawrence University where she earned her bachelor's degree. She received her doctorate from Columbia University in 1975, where she won the prestigious Hammett Award in chemistry. Karen was also a National Institutes of Health trainee at the Institute of Cancer Research, Columbia University College of Physicians and Surgeons, also in 1975. One year later she joined the faculty of Dartmouth College, in Hanover, NH.

Karen also had an instrumental role in making Dartmouth's sciences and administration more representative of the changing faces in the college community. While in Hanover, she cofounded Dartmouth's women in science project, which was aimed at increasing the number of women majoring and taking courses in the sciences.

Mr. President, Dr. Wetterhahn worked to make the world a better place, and she will be truly missed by all of us who knew and worked with her. Researchers like the late Karen Wetterhahn are important to the future of New Hampshire and the future of this Nation.•

RECOGNITION OF BOB BELLACK AND RON HEUMILLER'S ASSISTANCE DURING THE NATURAL DISASTERS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of two McCook County Highway Department employees, Bob Bellack and Ron Heumiller, in ongoing disaster recovery efforts in South Dakota.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

At the height of the snowstorms in South Dakota, Bob Bellack and Ron Heumiller drove snowplows at 3 to 4 miles per hour and in zero visibility to open roads for rescue and emergency medical crews. Wind gusts of 40 miles per hour dropped the temperature to nearly 70 degrees below zero as the medical crews followed Bob and Ron for 263 miles to rescue families without heat and stranded motorists from all over the county.

While those of us from the Midwest will never forget the destruction wrought by this year's snowstorms and floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from vicious winter weather and rising flood waters. The selfless actions of Bob Bellack and Ron Heumiller illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair our impacted communities. Bob Bellack, Ron Heumiller, and the individuals at the McCook County Highway Department illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF LORI RUSSELL AND BARB NAVRISKY'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Lori Russell and Barb Navrisky in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads

with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Barb Navrisky lived through the 1972 flash flood that killed hundreds of people in Rapid City, SD. She knows what her North Dakota neighbors are currently experiencing. Lori Russell knows the devastation all too well. Her parents, Eman and Leona Hejlik, live in Grand Forks and lost their home in the flood. That's why both Barb and Lori mobilized the city of Box Elder, SD and collected clothing, cleaning supplies, food, and toys for flood victims in Grand Forks. Lori and Barb's relief effort included the mayor of Box Elder, Dave Kinser, raising $200 in donations for a Grand Forks resident who lost everything. Students from area high schools and elementary schools also helped by collecting cleaning supplies and food items.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of people like Lori Russell and Barb Navrisky illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Lori Russell and Barb Navrisky illustrate how two individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF THE ASSISTANCE OF LEO FLYNN DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Leo Flynn in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD was completely underwater when record low temperatures turned swollen streams into sheets of ice. Heavy winter snows forced Big Stone Lake, along the South Dakota and Minnesota border, to 9 feet above flood level. The rising waters drove 40 families from their homes and caused vast amounts of damage.

Many South Dakota communities prepared for the floods by constructing makeshift dikes around homes and neighborhoods. While some of these barriers held up against the rising water, a number of communities saw their defenses washed away in the record levels of flooding. The costs of preparing for, and ultimately cleaning up after, these natural disasters strained municipal budgets and threatened other flood recovery programs. Milbank attorney Leo Flynn came to the assistance of a number of counties and towns by donating $280,000 to help local governments cover the costs of blizzards and flooding.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of individuals like Leo Flynn illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair impacted communities. Leo Flynn illustrates how the actions of an individual can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking him for his selfless efforts.●

RECOGNITION OF GATEWAY 2000'S ASSISTANCE DURING THE FLOODS OF 1997

● Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the individuals of Gateway 2000 of North Sioux City, SD in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

The individuals of Gateway 2000 donated 17 computers to Grand Forks to assist city hall in resuming everyday operations. These computers enabled the mayor and Grand Forks officials to coordinate flood relief efforts throughout the disaster.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the individuals from Gateway 2000 illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. These individuals illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.●

RECOGNITION OF KEVN TELEVISION'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of individuals at KEVN-TV in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

KEVN-TV aired a live fundraiser that collected over $53,000 for flood victims in Grand Forks. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. The money donated by KEVN-TV viewers will help families rebuild their lives.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness firsthand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising floodwaters. The selfless actions of the individuals at KEVN-TV illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The individuals at KEVN-TV in Rapid City illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF KOTA RADIO'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of individuals at KOTA Radio in Rapid City, SD, in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND, and 10,000 residents of East Grand Forks, MN, were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

KOTA Radio aired a live, 2-day fundraiser that collected over $16,000 for flood victims in Grand Forks. Many families escaped rising flood waters in the dead of night, often with only the clothes on their back, and ultimately lost everything in their homes. The money donated by KOTA listeners will help families rebuild their lives.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters. The selfless actions of the individuals at KOTA Radio illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. The individuals at KOTA Radio in Rapid City illustrate how the actions of a community can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

RECOGNITION OF EMM BAUMAN AND BETA SIGMA PHI'S ASSISTANCE DURING THE FLOODS OF 1997

• Mr. JOHNSON. Mr. President, I want to take this opportunity today to recognize the important work of Emm Bauman and Rapid City's Beta Sigma Phi chapters in ongoing flood recovery efforts in the Dakotas.

Early this year, residents of Minnesota, North Dakota, and South Dakota experienced relentless snowstorms and bitterly cold temperatures. Snowdrifts as high as buildings, roads with only one lane cleared, homes without heat for days, hundreds of thousands of dead livestock, and schools closed for a week at a time were commonplace. As if surviving the severe winter cold was not challenge enough, residents of the Upper Midwest could hardly imagine the extent of damage Mother Nature had yet to inflict with a 500-year flood. Record levels on the Big Sioux River and Lake Kampeska forced over 5,000 residents of Watertown, SD, to evacuate their homes and left over one-third of the city without sewer and water for 3 weeks. The city of Bruce, SD, was completely underwater when record low temperatures turned swollen streams into sheets of ice.

The 50,000 residents of Grand Forks, ND and 10,000 residents of East Grand Forks, MN were forced to leave their homes and businesses as the Red River overwhelmed their cities in April. The devastation was astounding; an entire city underwater and a fire that gutted a majority of Grand Forks' downtown. Residents of both cities recently were allowed to return to what is left of their homes, and the long and difficult process of rebuilding shattered lives is just beginning.

Emm Bauman initiated a series of coffee parties in Aberdeen 25 years ago that raised $5,000 for victims of the flash flood that killed hundreds of people in Rapid City, SD. Each participant paid a minimum of $1 and then hosted a smaller party of her own until there was no one left to host. Once again, Emm mobilized fellow members of Betta Sigma Phi to host a series of Friendship Vanishing Coffee Parties in hopes of raising another $5,000 for Grand Forks flood victims. The money will help families who lost everything in the devastating floods rebuild their lives.

While those of us from the Midwest will never forget the destruction wrought by this year's floods, I have been heartened to witness first-hand and hear accounts of South Dakotans coming together within their community to protect homes, farms, and entire towns from rising flood waters.

The selfless actions of people like Emm Bauman and members of Beta Sigma Phi illustrate the resolve within South Dakotans to help our neighbors in times of trouble.

Mr. President, there is much more to be done to rebuild and repair Grand Forks and other impacted communities. Emm Bauman and the members of Betta Sigma Phi illustrate how individuals can bring some relief to the victims of this natural disaster, and I ask you to join me in thanking them for their selfless efforts.•

BIRTH DEFECTS PREVENTION ACT

• Mr. FRIST. Mr. President, vitamin supplements containing the B vitamin folic acid, have been proven to prevent common and disabling birth defects, including spina bifida and anencephaly, if taken daily before and in the early days after conception. This vitamin could prevent six to nine cases of these birth defects per day, saving $245 million per year in the United States.

On June 10, 1997, the March of Dimes Birth Defects Foundation released a new nationwide survey which shows that while more American women of childbearing age have heard of folic acid, the proportion of women actually taking a multivitamin on a daily basis remains low. Only 32 percent of women ages 18 to 45 take a daily multivitamin containing folic acid.

Awareness of folic acid jumped 14 percentages points over the 2-year period, from 52 percent of women in 1995 to 66 percent in 1997. However, women under age 25 are the least likely to consume vitamins daily, with only 23 percent reporting that they do so, and this age group accounts for 39 percent of all births in the United States. It is because of these statistics that I encourage my colleagues to vote for S. 419, the Birth Defects Prevention Act of 1997.

This legislation would establish a national birth defects surveillance, research, and prevention system. This system would include research projects for the prevention of neural tube defects, one-half of which could be prevented if women of child bearing age consumed a small amount of folic acid daily. In addition, this legislation would set up public education programs to teach more women about the importance of folic acid to the health of their children.

And so together with the March of Dimes I encourage my colleagues to pass this important legislation.•

EMPLOYMENT NON-DISCRIMINATION ACT

• Ms. MOSELEY-BRAUN. Mr. President, our Nation benefits when every citizen has the opportunity to contribute to the best of his or her ability to the economy, to the society, and to the country. Discrimination, in any form, prevents the utilization of all available talents and makes our future less bright than it could be—less bright than it should be. It is for this reason that I join my colleagues, Senator KENNEDY, Senator JEFFORDS, and Senator LIEBERMAN, in cosponsoring the Employment Non-Discrimination Act [ENDA].

The Employment Non-Discrimination Act prohibits employment discrimination based on sexual orientation. It creates no special rights, or quotas, it merely ensures that gay and lesbian Americans have the same rights as every other American in the workplace.

Employment discrimination impedes economic competitiveness, frustrates fairness, and obstructs opportunity.

Employment discrimination impedes economic competitiveness for America's businesses. Our work force is what makes America strong. Discrimination only serves to lessen that strength. Many companies have already adopted their own antidiscrimination policies, recognizing the negative impact discrimination can have on their continuing competitiveness. These businesses understand that there is no place for discrimination as we transition into the 21st century's global workplace.

Unfortunately, not all businesses understand this yet, and in 39 States, employment discrimination based on sexual orientation is still legal. There are many documented cases highlighting the fact that discrimination in the workplace still occurs. Without national legislation to protect all Americans, cases of discrimination against gay men and lesbian women will continue to occur unchallenged and businesses, and thus our national economy, will continue to suffer.

Employment discrimination is fundamentally unfair. Each of us should be allowed to fully participate in society, regardless of our gender, race, or sexual orientation. ENDA prohibits giving preferential treatment to any individual based on sexual orientation. Employers may not provide special treatment to gay men, lesbians, or heterosexuals. The bill provides that an employer may not use the fact of an individual's sexual orientation as the basis for positive or negative action against that individual in employment opportunities. Americans should not be promoted, nor should they be held back, by conditions that have nothing to do with merit, or talents and abilities.

Employment discrimination obstructs opportunity for America's workers. If there is any objective that should command complete American consensus, it is ensuring that every American has the chance to succeed—and that, in the final analysis, is what this bill is about. No issue is more critical to our country, and nothing makes a bigger difference in a person's life than opening up opportunities.

The basic principle we should keep in mind is that every American must have the opportunity to advance as far in their field as their hard work will take them. That is the American way. Gay and lesbian Americans should not have to face discrimination in the workplace, should not face dismissal, be denied promotions, or experience harassment, simply because of their sexual orientation.

In endorsing the Employment Non-Discrimination Act in the 104th Congress the American Bar Association wrote:

> Over the years, and with some struggle, this nation has extended employment discrimination protection to individuals on the basis of race, religion, gender, national origin, age, and disability. ENDA takes the next necessary step by extending this same basic protection to another group that has been vilified and victimized—gay men, lesbians, and bisexuals. All workers, regardless of their sexual orientation, are entitled to be judged on the strength of the work they do; they should not be deprived of their livelihood because of the prejudice of others.

This is an eloquent statement of one of the fundamental tenets of the United States of America—equal opportunity for all. This Nation was founded by people fleeing prejudice and discrimination. ENDA continues that legacy.

As a matter of fundamental fairness and because all workers should be entitled to legal protection and opportunity in the work force, I urge my colleagues to join me in supporting the Employment Non-Discrimination Act.•

TRIBUTE TO ATLAS ADVANCED PYROTECHNICS, RECENT WINNER OF THE NATIONAL PARK SERVICE'S 1997 INDEPENDENCE DAY AERIAL FIREWORKS DISPLAY

• Mr. SMITH of New Hampshire. Mr. President, I rise today to pay tribute to Atlas Advanced Pyrotechnics, the Granite State's largest pyrotechnics design firm, on winning the National Park Service's 1997 Independence Day aerial fireworks display, to be held July 4 by the Washington Monument in Washington, DC.

Atlas Advanced Pyrotechnics is well known in the New Hampshire community for some of their spectacular shows like the annual Rock 101 Skyshow and Jaffery's Festival of Fireworks. Atlas won the North American Pyrotechnics Competition in 1994 and was the United States representative at the 1995 Benson and Hedges International Pyrotechnics Competition in Montreal, Canada.

Atlas will light the sky over the Nation's Capital with more than 3,000 shells in 20 minutes. The entire show will be digitally synchronized to patriotic music of Copeland, Gershwin, Bernstein, and Eubie Blake.

In addition to this year's fireworks display on the Mall in Washington DC, the National Park Service has also awarded Atlas the prestigious Harper's Ferry Historical Park display on June 28, at Harper's Ferry, WV.

I commend Atlas for their hard work and dedication that has earned them such prestigious awards. I applaud the people of Atlas for their accomplishments in bringing joy to the American public. I wish them a very happy Fourth of July.•

COMPREHENSIVE TEST BAN TREATY

• Mr. KOHL. Mr. President, I rise today in support of the Comprehensive Test Ban Treaty [CTBT]. Along with many of my colleagues, I call upon the Senate to ratify this important treaty which will help to prevent the proliferation of nuclear weapons, improve the environment in which we live, save billions of dollars, and enhance the security of our Nation.

The CTBT prohibits all nuclear test explosions worldwide. The treaty establishes an international agency to coordinate nuclear policy and verify test ban compliance through an International Monitoring System, onsite inspections, consultation and clarification, and confidence-building measures. The treaty is quite simple, really, and it is something that Americans have wanted for a long time.

"The conclusion of such a treaty * * * would check the spiraling arms race in one of its most dangerous areas. It would place nuclear powers in a position to deal more effectively with one of the great hazards which man faces * * * the further spread of nuclear arms. It would increase our security; it would decrease the prospects of war. Surely this goal is sufficiently important to require our steady pursuit, yielding neither to the temptation to give up the whole effort nor the temptation to give up our insistence on vital and responsible safeguards."

Those words, so appropriate today, were spoken 34 years ago by President John F. Kennedy, in an historic speech at American University. In that speech, the President announced the beginning of high-level discussions among the United States, the Union of Soviet Socialist Republics, and the United Kingdom regarding "a comprehensive test ban treaty." Even then, long before the demise of the Soviet Union rendered the United States the sole remaining superpower, President Kennedy and many others recognized the dangers inherent in nuclear testing, and the many benefits of a test ban.

A test ban will curb the spread of nuclear weapons, helping to keep them out of the hands of rogue states and terrorists. A test ban will mean that children do not have to grow up in areas contaminated by nuclear explosions. A test ban will mean that money spent on maintaining test sites and running tests—hundreds of millions of dollars a year in the United States alone—could be spent on education, health, and other priorities of the American people. In short, a nuclear test ban will enhance the military, political, and economic security of our Nation. That's why President Clinton has signed and 158 countries in the United Nations have endorsed the Comprehensive Test Ban Treaty. That is also why 80 percent of Americans are calling upon us to ratify it.

When President Kennedy began test ban negotiations 34 years ago, he was realistic about the challenges in negotiating with the Soviet Union. He said, "Our hopes must be tempered with the caution of history, but with our hopes go the hopes of all mankind." Today, Mr. President, history and hope are on our side. Now is the time to conclude the Comprehensive Test Ban Treaty. Now is our chance to fulfill the hopes of all mankind.•

MICHIGAN'S 1997 BLUE RIBBON SCHOOLS

• Mr. ABRAHAM. Mr. President, I rise today in tribute of seven truly exceptional educational institutions in my State of Michigan. On Friday, May 23, the U.S. Department of Education announced the recipients of the 1997 Blue Ribbon School Awards. It gives me great pleasure to recognize today before my colleagues each of these schools and commend them on this prestigious award.

To be named a blue ribbon school is no small achievement; it requires the successful passage of a rigorous nomination and screen process. The Department of Education review panel evaluates as conditions of effective schooling the following: Leadership; teaching environment; curriculum and instruction; student environment; parent and community support; and organizational vitality. The review panel also considers objective indicators of success, such as: Student performance on measures of achievement; daily student and teacher attendance rates; students' postgraduation pursuits; school, staff, and student awards; and high student retention-graduation rates.

Obviously, those select few schools afforded the status of Blue Ribbon Awards are more than deserving of the national attention that accompanies such an honor. I would like to take a moment to individually recognize each of the Michigan elementary and middle schools, and the dedicated principals under whose leadership these schools have thrived, for entry into the CONGRESSIONAL RECORD.

Anna M. Joyce Elementary School, Detroit, MI, Mr. Leslie Brown, principal.

Brace-Lederle Elementary School, Southfield, MI, Dr. Bobbie K. Hentrel, principal.

Grand View Elementary School, Grandville, MI, Mr. Rich Doyle, principal.

Lincoln Park Elementary School, Norton Shores, MI, Ms. Tresea Goff, principal.

Pine Tree Elementary School, Lake Orion, MI, Mrs. Beverly Tepper, principal.

Roguewood School, Rockford, MI, Mrs. Sharon Bennett, principal.

Troy Union Elementary School, Troy, MI, Dr. Ronald J. O'Hara, principal.

Educating our children is no simple task, and everyone involved with the success of these blue ribbon schools deserves to feel a great sense of pride. On behalf of all my fellow Senators I extend to the staff, students, and parents of each of these communities my most sincere congratulations and best wishes for the even brighter future that awaits them.•

ESTATE TAX LAWS MUST BE REFORMED

• Mr. DORGAN. Mr. President, I want Congress to act decisively to stop our estate tax laws from hindering the transfer of family businesses and family farms and ranches to the next generation. These family enterprises are the major creators of new wealth and new jobs in this country. Yet in far too many cases, our estate tax laws force the children and grandchildren who inherit a modestly sized family business to sell it, or a large part of it, to pay off huge estate taxes. I want our tax laws to assist the transfer of family enterprises so they can continue to generate jobs and new wealth. Instead our estate tax laws now hinder that transfer.

I've authored legislation in several Congresses to allow family farms, ranches, and other small family businesses to be passed along to the next generation without being loaded up with massive estate tax debt. The legislation I've introduced in this Congress increases the unified estate and gift tax exemption from $600,000 to $1 million. In addition, it provides a new $1 million exclusion for family business assets. Together, my proposals would allow a family business, valued up to $2 million, to be passed to the children and grandchildren to operate without any estate tax liability.

A number of my colleagues in the Senate share my concerns about estate taxes. In fact, I worked with a core group of Senators, including Senators GRASSLEY, LOTT, NICKLES, and BAUCUS for several months this spring to develop a comprehensive, bipartisan estate tax relief bill. This effort led to the introduction of a bipartisan bill, called the Estate Tax Relief for the

American Family Act of 1997 (S. 479), which includes a number of important provisions including proposals to increase the unified estate and gift tax exemption and to target additional support for family-owned and operated businesses. Most of the changes recommended in this legislation are long-overdue, and I will work with my colleagues to include them in revenue legislation this Congress.

I have decided to add my name as a cosponsor of S. 479 because I support the primary thrust and goals of this initiative. I want to send a reminder to those calling for tax cuts that estate tax relief for family businesses is not a partisan issue. It is important for the survival of our Nation's family businesses, and it should be included in the balanced budget tax relief package now being drafted in Congress.

Although I am adding my name as a cosponsor to signal a bipartisan desire to pass some estate tax relief, I do want to see one provision of this bill changed. The cut in the estate tax rate for estates in the $2.5 million to $11 million range is, I believe, excessive. I would prefer to use the money available for estate tax reduction for a larger exemption at the bottom rather than additional tax breaks at the top.

But I hope that when estate tax relief is enacted that the work we have done together will contribute to helping family businesses and family farms and ranches to be passed on to the children who will continue to operate them.•

THANKING THE LANGUAGE SERVICES SECTION OF THE CONGRESSIONAL RESEARCH SERVICE FOR ITS SUPPORT TO THE SENATE BANKING COMMITTEE

• Mr. D'AMATO. Mr. President, I rise today to thank the language services section of the Congressional Research Service for its support to the Senate Banking Committee in our inquiry into the disposition of heirless assets in Swiss banks, before, during, and after World War II. During the course of our inquiry thousands of pages of documentation have been examined as we have tried to establish the ultimate disposition of assets which were deposited in Swiss banks by Holocaust victims prior to World War II.

Hundreds of pages of these historical documents were written in various languages which dealt with extremely technical matters. It was imperative that the Banking Committee obtain accurate translations for these documents. The language services section never let us down.

I would especially like to recognize David Skelly who provided translation support in the German and French languages. Mr. Skelly worked with my staff on a daily basis and his efforts were truly noteworthy.

On many occasions we contacted Mr. Skelly and solicited his translation assistance on an immediate basis. Mr. Skelly never complained. He never said, "I can't do this. You're asking too much." He said simply, "How soon do you need it?" and "OK. I'll get right on it."

On one particular instance Mrs. Deanna Hammond, Mr. Skelly's supervisor and another true professional in that office, contacted Mr. Skelly at home on his own time and read him a very technical document in German which he translated. Mrs. Hammond typed up the English translation and we had it in our hands 2 hours after sending in our request.

Mr. President, this is the type of dedicated service which Government employees all too often perform, and no one hears anything about it. You certainly won't hear it from anyone in the language service section. This is all in a day's work for them. This is a group of people who take their commitment to the Congress and the American people very seriously. And they deliver.

I consider the language services section to be an indispensable office within the Congressional Research Service which provides a truly unique service to the Congress. I congratulate all of the workers there on their fine work and extend to them my thanks.•

AMERICA'S FREEMASONRY AND FLAG DAY

• Mr. MOYNIHAN. Mr. President, as our Nation prepares to celebrate Flag Day on the 14th of this month, I rise to pay tribute to over 1 million men who belong to the largest and oldest fraternal organization in the world, America's Freemasonry. Since the Continental Congress adopted the Stars and Stripes as our Nation's flag on June 14, 1777, Masons have given this beloved symbol their staunch support.

It is nearly 48 years since President Harry S. Truman signed an act of Congress recognizing Flag Day as a national holiday. Truman's contribution as a Mason follows the efforts of other great Masonic national leaders. Adm. John Paul Jones flew Old Glory at Quiberon Bay, France on February 13, 1778, in the first recognition of the United States by a foreign nation. Nearly 200 years later, Astronaut Edwin "Buzz" Aldrin traveled with an American flag to the Moon. With their distinguished moral code and immutable patriotism, these and other Masons, including Francis Scott Key, helped to advance the flag as a true symbol of our Nation.

Senator Robert C. Winthrop (1809–1894) of Massachusetts once said, "Our flag is our national ensign, pure and simple, behold it! Listen to it! Every star has a tongue, every stripe is articulate." Indeed, with the constant help of America's Freemasonry, the U.S. flag has been seen in every corner of the world and has been recognized as an emblem of our continued democracy.•

APPOINTMENT BY THE VICE PRESIDENT

The PRESIDING OFFICER. The Chair, on behalf of the Vice President, pursuant to 22 U.S.C. 276d–276g, as amended, appoints the Senator from Washington [Mrs. MURRAY] as vice chair of the Senate delegation to the Canada-United States Interparliamentary Group during the 105th Congress.

APPOINTMENT BY THE DEMOCRATIC LEADER

The PRESIDING OFFICER. The Chair, on behalf of the Democratic leader, pursuant to Public Law 101–445, appoints Arlene M. Chamberlain, of South Dakota, to the National Nutrition Monitoring Advisory Council.

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

The PRESIDING OFFICER (Ms. COLLINS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

VOTE ON MOTION TO ADJOURN

Mr. LOTT. Madam President, I move that the Senate stand in adjournment until 11 a.m. on Thursday, June 12, 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 to adjourn. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. FORD. I announce that the Senator from Hawaii [Mr. INOUYE] is necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 55, nays 44, as follows:

[Rollcall Vote No. 99 Leg.]

YEAS—55

Abraham	Craig	Hatch
Allard	D'Amato	Helms
Ashcroft	DeWine	Hutchinson
Bennett	Domenici	Hutchison
Bond	Enzi	Inhofe
Brownback	Faircloth	Jeffords
Burns	Frist	Kempthorne
Campbell	Gorton	Kyl
Chafee	Gramm	Lott
Coats	Grams	Lugar
Cochran	Grassley	Mack
Collins	Gregg	McCain
Coverdell	Hagel	McConnell

Murkowski
Nickles
Roberts
Roth
Santorum
Sessions
Shelby
Smith (NH)
Smith (OR)
Snowe
Specter
Stevens
Thomas
Thompson
Thurmond
Warner

NAYS—44

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

NOT VOTING—1

Inouye

The motion was agreed to.

ADJOURNMENT UNTIL 11 A.M. TOMORROW

The PRESIDING OFFICER. The Senate stands adjourned until 11 a.m. tomorrow, Thursday, June 12, 1997.

Thereupon, the Senate, at 6:32 p.m., adjourned until Thursday, June 12, 1997, at 11 a.m.

NOMINATIONS

Executive nominations received by the Senate June 11, 1997:

DEPARTMENT OF COMMERCE

ROBERT L. MALLETT, OF TEXAS, TO BE DEPUTY SECRETARY OF COMMERCE, VICE DAVID J. BARRAM.

POSTAL RATE COMMISSIONER

GEORGE A. OMAS, OF MISSISSIPPI, TO BE A COMMISSIONER OF THE POSTAL RATE COMMISSION FOR A TERM EXPIRING OCTOBER 14, 2000, VICE WAYNE ARTHUR SCHLEY, TERM EXPIRED.

FEDERAL AVIATION ADMINISTRATION

JANE GARVEY, OF MASSACHUSETTS, TO BE ADMINISTRATOR OF THE FEDERAL AVIATION ADMINISTRATION FOR THE TERM OF FIVE YEARS, VICE DAVID RUSSELL HINSON, RESIGNED.

DEPARTMENT OF STATE

KARL FREDERICK INDERFURTH, OF NORTH CAROLINA, TO BE ASSISTANT SECRETARY OF STATE FOR SOUTH ASIAN AFFAIRS, VICE ROBIN LYNN RAPHEL.

DAVID ANDREWS, OF CALIFORNIA, TO BE LEGAL ADVISER OF THE DEPARTMENT OF STATE. (NEW POSITION)

TIMBERLAKE FOSTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE ISLAMIC REPUBLIC OF MAURITANIA.

RALPH FRANK, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF NEPAL.

JOHN C. HOLZMAN, OF HAWAII, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE PEOPLE'S REPUBLIC OF BANGLADESH.

NANCY JO POWELL, OF IOWA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF UGANDA.

AMELIA ELLEN SHIPPY, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MALAWI.

IN THE NAVY

THE FOLLOWING-NAMED OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE U.S. NAVY UNDER TITLE 10, UNITED STATES CODE, SECTION 624:

To be captain

CHRISTINE L. ABELEIN, X...
BRYAN S. APPLE, X...
MICHAEL AUGUSTINE, X...
GLENN S. BACON, X...
RICHARD S. BAKALAR, X...
JOHN L. BALL, X...
MAUREEN R. BANNON, X...
CHARLES O. BARKER, X...
DEBORAH J. BARKER, X...
STEPHEN E. BARKER, X...
DAVID J. BARNETTE, JR., X...
DENNIS G. BENGTSON, X...
JUSTUS BENJAMIN, JR., X...
PHILIP B. BESHANY, X...
RICHARD T. BEX, X...
DONEL S. BIANCHI, X...
SANDRA C. BIBB, X...
JAY A. BLACK, X...
PAUL K. BLAKE, X...
BRUCE N. BLANDY, X...
ROBERT E. BLUNDELL, JR., X...
GERALD A. BOECHLER, X...
LELAND D. BOWEN, X...
JEAN N. BRAKEBILL, X...
TERESA M. BRENNAN, X...
MICHAEL A. BROPHY, X...
SARAH E. BROWN, X...
CHARLES L. BRYNER, JR., X...
GREGORY J. BUCHANAN, X...
LADEAN W. BUNKERS, X...
SHARYN A. BURKE, X...
ALICE M. CAHILL, X...
DAVID M. CHRISTENSON, X...
MARK W. COBB, X...
MICHAEL H. CONAWAY, X...
FRANCES L. CONNOR, X...
THOMAS CORTEMEGLIA, X...
DAVID P. COTE, X...
MARC S. CUNNINGHAM, X...
MELODIE C. DACORTA, X...
LINDA M. DAEHN, X...
JANE G. DALTON, X...
MICHAEL M. DARBY, X...
CHARLES B. DAVIS, X...
SANDRA L. DEGROOT, X...
PATRICIA M. DENZER, X...
JOHN P. DEPNER, X...
JAMES R. DEVOLL, X...
JOLINE I. W. DEVOS, X...
OSCAR W. DICKEY, X...
JAMES L. DIETZ, X...
WILLIAM D. DOLAN, X...
JONATHAN P. EDWARDS, X...
ROGER D. EDWARDS, X...
RICHARD T. EVANS, X...
PAUL E. FARRELL, JR., X...
RICHARD H. FEIERABEND, X...
WILLIAM B. FERRARA, X...
HOWARD H. FISCHER, JR., X...
RICHARD J. FLETCHER, JR., X...
MELANIE D. FRANK, X...
JOHN T. FRENCH, X...
ROBERT F. FRISBY, JR., X...
STUART D. FUNK, X...
VANCE G. GAINER, JR., X...
ROSCOE D. GEORGE, III, X...
H. J. GERHARD, X...
MARK D. GILBERTS, X...
BILLIE G. GOFF, X...
CANDACE M. GORTNEY, X...
KELLY D. GUBLER, X...
JAMES N. HAGARTY, X...
DANIEL W. HANSEN, X...
MARK D. HARNITCHEK, X...
PAMELA A. HEIM, X...
RONALD W. HERTWIG, X...
CLYDE J. HOCKETT, X...
JAMES R. HOFFOWER, X...
MAUREEN P. HOGAN, X...
ELIZABETH K. HOLMES, X...
ROBERT E. HOYT, X...
PHILLIP D. HUNT, X...
JOHN F. JOHNSON, II, X...
EDGAR T. JONES, X...
CHERYL L. KAMINSKA, X...
JOHN R. KELLY, X...
BRIAN R. KELM, X...
DAVID L. KENNEDY, X...
KEVIN R. KERRIGAN, X...
EDWARD M. KILBANE, X...
LOUIS J. KITSLAAR, X...
GENE M. KOHLER, X...
MICHAEL J. KRENTZ, X...
MAUREEN A. KUSNIEREK, X...
LEO KUSUDA, X...
SUSAN LAING, X...
FRANK C. LAWTON, III, X...
FRED C. LEGE, X...
DOUGLAS K. LEIBY, X...
RICHARD J. LEUPOLD, X...
JUDY A. LOGEMAN, X...
JUDITH A. LOHMAN, X...
JEANETTE F. LYNCH, X...
DIANN K. LYNN, X...
MICHAEL D. MAIXNER, X...
MICHAEL P. MALANOSKI, X...
JOSEPH L. MALONE, X...
DAVID L. MALONEY, X...
DONALD W. MARTYNY, X...
ALFRED J. MASKERONI, X...
PAUL J. MASTERS, X...
JAMES A. MAUS, X...
MAUREEN F. MCAVOY, X...
DENNIS K. MCBRIDE, X...
DONALD T. MCBURNEY, X...
JULIAN D. MCCARTHY, X...
BRIAN R. MCDONALD, X...
LLOYD P. MCDONALD, X...
WILLIAM A. MCDONALD, X...
JAMES A. MCGINNIS, X...
BRADLEY G. MCKEEVER, X...
CHRIS R. MCKELVEY, X...
ROBIN T. MCKENZIE, X...
BARBARA S. MCLEAN, X...
PAUL G. MCMAHON, X...
JAMES E. MCPHERSON, X...
LYLE D. MELTON, X...
HERBERT K. MEREDITH, X...
KEVIN E. MIKULA, X...
FREDERICK E. MILLARD, X...
JOHN E. MILNER, X...
PAMELA N. MINKE, X...
JAN K. MITCHELL, X...
MARILYN A. MOONEY, X...
LEE M. MORIN, X...
RAYMOND G. MORIN, X...
LAURIE B. MOSOLINO, X...
GERARDA M. MUKRI, X...
JAMES W. MULLALLY, X...
KEITH D. MUNSON, X...
JOHN E. MURNANE, X...
CHRISTIAN G. MUSIC, X...
ROGER S. MUSTAIN, X...
MATHEW NATHAN, X...
GREGORY D. NAYLOR, X...
RAND H. NELSON, X...
DAVID B. NEWBERRY, X...
BRIAN K. NICOLL, X...
MICHAEL R. NOWACKI, X...
WILLIAM T. NUNNS, X...
RICHARD B. OBERST, X...
JEFFREY M. OGORZALEK, X...
ROBERT T. OLEARY, X...
LAURA P. OMER, X...
RICHARD A. PARKER, X...
JOAN M. PATE, X...
DENNIS R. PLOCKMEYER, X...
JEFFREY L. POTTINGER, X...
STEPHEN A. PRINCE, X...
NANCY A. PUKSTA, X...
HECTOR J. QUILES, X...
JEAN E. QUINDAGRAFFELS, X...
MARY E. QUISENBERRY, X...
KAREN E. RAFALKOWILSON, X...
PETER R. RAYMOND, X...
LINDA M. REINERTSEN, X...
WILLIAM G. REYNOLDS, X...
MICHAEL T. RICCIARDI, X...
KATHERINE A. RIEF, X...
DONALD C. RILLING, X...
KURT C. ROLF, X...
DAVID C. RUFF, X...
JEANNE M. RUSHIN, X...
LYNDA A. SALMOND, X...
MARK B. SAMUELS, X...
ANDRE C. SANTOS, X...
LOUIS J. SAPORITO, X...
ELAINE M. SCHERER, X...
RALPH O. SCHERINI, X...
BARBARA A. SCHIBLY, X...
MICHAEL L. SCHOLTZ, X...
FRANK V. SCHRAML, X...
CHRISTOPHER L. SCHUYLER, X...
BRADEN C. SEAMONS, X...
ANTHONY A. SEBBIO, X...
CAROL A. SHINSKY, X...
BRIAN S. SIEGEL, X...
LYNN P. SIMON, X...
DAVID J. SMITH, X...
MICHAEL L. SMITH, X...
DANIEL R. SMOAK, X...
DANIEL J. SNYDER, X...
MICHAEL R. SPIEKER, X...
TIMOTHY L. STERNBERG, X...
GREGORY L. STOYER, X...
RUSSELL T. STROTHER, X...
HUGH C. SULLIVAN, JR., X...
MICHAEL J. SUSZAN, X...
FRANK J. TESAR, X...
CARLOS A. TORRES, X...
MARLYS G. TUFTIN, X...
RODNEY W. TURK, X...
PENNY B. TURNER, X...
JERROLD L. TWIGG, X...
CATHERINE G. TYMENSKY, X...
ALBERT P. VERHOFSTADT, X...
JOSE J. VICENS, X...
DEAN A. WELDON, X...
RUTH E. WHEELER, X...
TOMMY B. WHITE, X...
ROBERT C. WILKENS, X...
LAURA WILLIAMS, X...
RICHARD P. WILLIAMS, JR., X...
PATRICIA A. WORKMAN, X...
JEFFREY M. YOUNG, X...
LARRY L. YOUNGER, X...

HOUSE OF REPRESENTATIVES—*Wednesday, June 11, 1997*

The House met at 10 a.m. and was called to order by the Speaker pro tempore [Mr. ROGERS].

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
June 11, 1997.

I hereby designate the Honorable HAROLD ROGERS to act as Speaker pro tempore on this day.

NEWT GINGRICH,
Speaker of the House of Representatives.

PRAYER

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

We are ever indebted, O loving God, that Your spirit is with us from the exhilarating moments of gladness through the valley of the shadow of death. When we celebrate the wonders of faith and hope, Your presence surrounds us and makes us whole; when we miss the mark and the shadows close upon us, Your still small voice rescues us, forgives us, and nourishes us along the way. For the gift of Your abiding spirit wherever we are, we offer this prayer of thanksgiving and praise. Amen.

THE JOURNAL

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

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

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Kansas [Mr. TIAHRT] come forward and lead the House in the Pledge of Allegiance.

Mr. TIAHRT 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.

BALANCED BUDGET REPRESENTS A NEW ERA

(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, the liberals are nervous.

The tax-and-spend crowd is outraged.

The big government supporters of the status quo have declared war.

And what is all the fuss about?

The reason for the anxiety is pretty clear. Those who built the welfare state over the past 40 years are about to have their credit card taken away.

What I hold in my hand, Mr. Speaker, is my congressional voting card. It is given to each Member of Congress. For some it is like a credit card. We stick it in the box, we press the button and we spend and spend and spend, and my children and your children are given the bill.

Well, guess what, Mr. Speaker? After 40 years of big government liberalism, the frenzy of credit card madness is about to end.

With nothing to show for it but $5 trillion in debt and thousands of broken liberal promises, Washington is about to act responsibly for the first time in memory. Washington now has the opportunity to pass a balanced budget with tax cuts, an absolute nightmare to those who built the welfare state over the last 40 years.

But their day is past. This balanced budget represents a new era. Mr. Speaker, the era of credit card madness is over.

TIME TO LOOK AT WORKERS' RIGHTS IN AMERICA

(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, since 1888, Reznor heaters were made in Mercer, PA. Yesterday, Reznor executives told their workers if you do not accept the $2.20 an hour cut, we will move the plant to Mexico; take it or leave it. Four hundred dollars a month, $5,200 a year, $15,600 in cuts over the life of a 3-year contract. Take it or leave it, workers. We will go to Mexico.

Shame, Congress. Mr. Speaker, Reznor executives are holding the gun to their workers' heads. The Congress of the United States is pulling the trigger all around America. Shame, Congress. How about some more NAFTA? I think it is time to take a look at the rights of American workers. I yield back any jobs that might be left.

PRESIDENT WANTS TO SHUT THE GOVERNMENT DOWN

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

Mr. TIAHRT. Mr. Speaker, the President wants to shut the Government down. The President wants to shut the Government down. That is the reason for his veto on the disaster relief bill.

He said it was not a clean bill, that there are riders. Can any of us name a spending bill that does not have riders? This one went from $4.8 billion at his request up to $8.4 billion. We have forward funding of FEMA, we have Bosnia relief, and we have other things. One rider says that if Congress and the President cannot reach an agreement, we will continue government until, until, we work out our differences. That is a good thing. Certainly no reason for a veto.

The bottom line is the President thinks it is more important to shut the Government down than provide relief for those who suffered from a disaster.

Mr. Speaker, the President wants to shut the Government down.

AMERICA NEEDS HIGH EDUCATION STANDARDS

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

Mr. ETHERIDGE. Mr. Speaker, America needs high education standards, and I rise today to urge my colleagues to sign on to my resolution in support of educational standards of excellence.

This simple resolution is a commonsense approach to improving education in this country. As a former State superintendent of my State's public schools, I know firsthand that setting high standards and equipping our students and teachers with the tools they need to meet those standards is the best way to assure quality education in our schools for all of our children. This Congress must take aggressive action to provide leadership that is needed to raise educational standards.

Yesterday, I received a letter of support from the Council of Chief State School Officers, which represents the educational policy leadership in each of the 50 States in this country. This letter reads in part:

The Council * * * is pleased to support your resolution urging States to adopt challenging academic standards and tests to measure student achievement.

Later this week I will introduce my bill, and I urge my colleagues to join with the chief State school officers in

each State in support of the educational standards resolution.

BALANCED BUDGET AGREEMENT PUTS MORE MONEY IN POCKETS OF AMERICAN FAMILIES

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

Mr. KNOLLENBERG. Mr. Speaker, I keep hearing from my liberal friends who are outraged that Congress is trying to cut taxes. They look at Washington and they know that Congress is trying to balance the budget and they simply cannot understand why Republicans are calling for tax cuts.

Well, Mr. Speaker, should Congress balance the budget first and then cut taxes? The answer is no. To say that we cannot balance the budget and cut taxes is to forget what that assumes. It assumes that Washington cannot cut spending more. It assumes that Washington should continue to take much of your money while it is waiting to get its act together. It assumes that Washington should do the wrong thing for just a few more years while it is waiting to put its financial house in order.

Mr. Speaker, with all due respect, this is exactly the kind of thinking that got us in this trouble in the first place. The balanced budget agreement gets it right and puts more money in the pockets of American families.

REPUBLICAN TAX BILL: A BAD BILL GETS WORSE

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

Mr. MILLER of California. Mr. Speaker, the reviews of the Republican tax bill are pouring in. A bad bill gets worse. A favor-the-rich tax plan. Loophole-filled tax cuts are an economic time bomb.

What we are now seeing is, after people have a chance to review the Republican tax bill, they now understand that over 60 percent of the tax cuts go to people in the top 5 percent of income in America. And corporations over time would again go back to paying no taxes at all for the privileges that American society extends to them.

And how do they pay for these exploding tax cuts that will make the deficit worse? They want to take people who are eligible for Medicare at 65 and make them eligible at 67. That means millions of workers who retire or are laid off at their jobs at 58, 59, 60-years-old, will have to wait 7 years to have health care coverage. They want to take poor elderly women, who have the smallest pensions, and tell them they will not pay for their Medicare, and they want to penalize families that put their children into day care and not give them the tax cuts.

THE TRUTH ABOUT LAWSUIT AGAINST DOE REGARDING NUCLEAR WASTE

(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, this morning I want to dispel a myth and share with my colleagues the truth about a lawsuit against the Department of Energy regarding nuclear waste. Many falsely claim that it forced DOD to accept this garbage by January 31, 1998.

However, the Department of Energy advised its contract holders that it anticipated that it will be unable to begin acceptance of spent nuclear fuel for disposal by January 31, 1998. The Office of Civilian Radioactive Waste Management contends that the delay in disposing of the contract holders' spent fuel is an unavoidable delay and, according to DOE, is not liable for failure to perform under the terms of the contract.

The contract states that neither the Government nor the contract holder shall be liable for damages caused by failure to perform its obligations, if such failure arises out of causes beyond control and without fault or negligence of the party.

Now that the truth has been told, there is no legal obligation by DOE to accept nuclear waste by January 31, 1998. We should not let false information or tactics scare us. Vote "no" on 1270.

PROPOSED EPA OZONE AND PARTICULATE MATTER STANDARDS

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

Mr. GOODE. Mr. Speaker, as a result of the 1990 Clean Air Act amendments, America's air quality has improved and those improvements are continuing. Yet after industries have expended billions of dollars, and even before the improvements that will result have been fully realized, America's economy faces additional regulation.

Mr. Speaker, now is not the time to burden America's economy further. An example is an industry that provides employment to nearly 9,000 men and women in the Fifth District of Virginia. Over a year and a half period, the wood furniture and related industries engaged in a negotiated rulemaking with the EPA, the American Lung Association, the Sierra Club, Environmental Defense Fund, and others.

The rulemaking resulted in an agreement that would cost the industry an estimated half billion dollars and would substantially reduce smog-causing emissions and title 3 pollutants. Mr. Speaker, the agency called this process a credit to industry, environmental and governmental cooperation. But almost before the ink was dry, the agency was back proposing more burdensome regulations that their own scientific advisory committee cannot agree will have significant health and environmental benefits.

Mr. Speaker, I know that there are many of us here who are willing to work for standards based on quality science and health and environmental benefits—but not these regulations and not at this time.

NO TAXATION WITHOUT RESPIRATION

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

Mr. PARKER. Mr. Speaker, Washington is confiscating the American dream. Family farmers and small business owners work their entire lives to earn a living and build a farm or a business they and their children can be proud of. Then, at the moment of greatest family grieving, when the owner dies, the IRS steps in to take up to 55 percent of that farm or that business. The IRS calls this the estate tax. This is a death tax. It is a tax for dying.

The farmer and the businessperson have paid income taxes, self-employment taxes, property taxes, and school taxes. After all that, Washington wants to take up to 55 percent more just because the owner died; no other reason.

□ 1015

Death and taxes may be inevitable, but they do not have to happen at the same time. It is time for Members of this body to realize that we should have no taxation without respiration.

ENACT FLOOD RELIEF TODAY

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

Mr. POMEROY. Mr. Speaker, today many inside the Washington Beltway are gleefully calculating who is winning and who is losing in the disastrous supplemental debate. Is it Congress that has lost because they failed to timely pass a bill? Is it the President who has lost because he vetoed the bill with the extraneous riders?

I will tell my colleagues who has lost. The people of Grand Forks, ND, without homes that have been devastated by the flood; they are the real victims. But I actually think it goes beyond that. When the American people see a disaster that Congress cannot respond to, I think they feel less confidence in their Government, and everyone loses.

We had a wonderful bipartisan effort in building a responsive relief bill. I hope today represents the day when

this bipartisanship will again reemerge in this body and will actually get the bill enacted. Legislation does nothing to help people without enactment.

It is time to put partisan differences aside, pull together, and get the job done. People are hurting very, very badly and they desperately need the flood relief. Let us enact it today.

MONMOUTH COUNTY, NJ, A FINE PLACE TO LIVE

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

Mr. PAPPAS. Mr. Speaker, I rise this morning to acknowledge Monmouth County, NJ, one of the five counties that make up my congressional district. Monmouth County has been recognized by Money magazine as the third best place to live in America. According to the magazine, "For people who like to live near but not in big cities, there may be no better locale."

The low crime rate, beautiful and scenic area, and deep sense of community may have gone previously unnoticed by Money, but it has been no secret to us in New Jersey. Monmouth County consists of 53 towns that serve as a model of what many towns strive to be and of what many people look for in a community. For many people, Monmouth County is a place to settle down, raise a family, and relish in the American dream come true.

I congratulate the people of Monmouth County on their distinguished achievement. I truly am honored today to have so many of the communities of Monmouth County as part of my congressional district of New Jersey.

HONORING ST. JOSEPH: ALL-AMERICAN CITY

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

Ms. DANNER. Mr. Speaker, it is with great pride that I recognize the city of St. Joseph, MO, for earning the All-American Award from the National Civic League. St. Joseph is a city rich in history. The wagon trains that opened the West departed from St. Joseph. Gold rushers crowded its streets on the way to California, and it was from St. Joseph that an icon of western adventure, the Pony Express rider, began his journey and a favorite of western lore, Jesse James, ended his.

This award recognizes St. Joseph for its civic accomplishments. The Neighborhood Partnership Revitalization Effort, the Healthy Communities Quality of Life Program, and the city's historic and heroic recovery efforts after the devastating 1993 flood have earned St. Joseph this distinction. St. Joseph residents have always known how special their community is. Now the rest of the world knows.

SAMPLEMATICS

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

Mr. KINGSTON. Mr. Speaker, to understand why the President vetoed the disaster bill, thus denying many of the victims the needed relief, we have to understand samplematics. Sample matics is yet another Democrat attempt to redo mathematics as we know it.

It works like this. Let us look at traditional math. The traditional math will tell us, if we have 10 people in this House, 5 in this House, and 10 in this House, we would have a total of 25 people. Correct? Similar Math 101, no big problem.

Samplematics, according to the Democrats, if we have 10 people in this building, we count 10; 5 in this one, we count 5. The third building, we take a lunch break, so we just say, well, that building might have 50 people in it; and, therefore, we come up with 65.

Even though the Constitution, even though the law says we have to count people in a census head by head, what the Democrats want to do is give census the day off and say, estimate when you feel like it. That is samplematics. That is why the President of the United States canceled disaster relief, and that is why we in Congress have to send him a message to quit playing games and give the people the relief they need.

PASS DISASTER RELIEF

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

Ms. DELAURO. Mr. Speaker, last night House Democrats joined our colleagues from the other body in an all-night vigil to protest the majority party's failure to pass disaster relief legislation. I think the public has some idea of the incomprehensibility of my Republican colleagues' view of this piece of legislation. They just do not get it.

We worked through the night to send a simple message to our Republican colleagues: Democrats are serious about disaster relief, and we are willing to work around the clock if necessary to do that to get the job done. There are thousands of families in the Midwest. They are desperately waiting for Federal assistance so that they can begin to rebuild their lives again. Families in Minnesota, the Dakotas and in over 30 States across this country are waiting for these disaster relief funds. It is a disgrace that the majority party has chosen to load the bill up with extraneous provisions. They know it. They have acknowledged it.

The gentleman from Georgia [Mr. GINGRICH], the Speaker, has said this is a bill to embarrass the President of the United States. This debate, these issues ought to be debated another time. Pass the disaster relief bill. Help people in the United States make their way.

A BALANCED BUDGET AND PAYING OFF THE FEDERAL DEBT

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

Mr. NEUMANN. Mr. Speaker, I rise this morning and I would like to use my 1 minute to provide a positive vision for the future of this great country that we live in. The first part of that vision would include the Republican-led Congress working with their counterparts on the other side of the aisle to fulfill our promises of 1995.

We promised the American people a balanced budget so our children could look forward to living the American dream in this great country. But the promise cannot end there and the vision cannot end there. After we get to a balanced budget, we still have a $5 trillion debt, which means our families are paying $500 a month to do nothing but pay the interest on that debt.

So this vision, it needs to be bigger than just balancing the budget, it needs to go to the point of paying off that Federal debt so our families no longer need to send $500 a month to Washington; they can keep it in their own households instead. When we pay down that debt, the money goes back into the Social Security trust fund as well so our seniors can rest assured the money is there.

So I rise this morning to bring our vision for the future of this great country to the American people. Our vision includes a balanced budget, fulfilling our promises of 1995, and it also includes paying off the Federal debt so that our families do not have to send $500 a month to Washington and our seniors can rest assured with Social Security.

NEW CLEAN AIR STANDARDS ARE MISGUIDED

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

Mr. DOYLE. Mr. Speaker, EPA is moving forward with new clean air standards that are, at best, misguided.

How can Administrator Browner say that we know all there is to know about particulate matter when EPA has identified it as one of its six high-priority research topics because of a high degree of uncertainty about the size and composition of the particles that may be responsible for adverse health effects.

Mr. Speaker, I have spent my whole life in Pittsburgh, and people there value clean air as much as anyone. We have a State implementation plan in place right now, and the air keeps getting cleaner. With new standards, the air will not get cleaner, as new regulatory deadlines will supersede existing ones.

With the stakeholder process, our community has come together to examine how to meet our air quality needs. I would note that, after participating in this rigorous process, the Western Pennsylvania Chapter of the American Lung Association, despite threats from the national organization, opposes the new standards.

If anyone at EPA believes that implementing these standards will not have any economic impact, I invite them to walk with me in the Mon Valley section of Pittsburgh and explain to those people where those industries have gone.

PRESIDENT CLINTON REVOKES REAGAN PRO-FAMILY ORDER

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

Mr. CHABOT. Mr. Speaker, sometimes we have just got to wonder what they are thinking about sometimes down at 1600 Pennsylvania Avenue. What is the President up to now?

Well, here is a quote from a recent Washington Times article:

> In a single sentence, President Clinton last month quietly revoked an executive order issued by President Reagan that required that all Federal policies be assessed as helpful or harmful to families.

Now, President Reagan's 1987 order was issued so that any new Federal policy would take into account its effects on American families. Now that sounds pretty reasonable to me. Apparently, President Clinton feels otherwise.

Mr. Speaker, President Reagan's executive order was issued to protect American families from intrusive and overreaching government bureaucrats. By revoking that commonsense order, President Clinton clearly showed us all where his loyalties lie.

The score: Big Government 1, American families 0.

SAY NO TO MFN FOR CHINA

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

Mr. SANDERS. Mr. Speaker, I am delighted that the House passed an amendment that I offered yesterday demanding that Ngawang Choephel, a young Tibetan who studied music at Middlebury College in Vermont, be released immediately from a Chinese jail where he is being held on trumped up charges.

Unfortunately, however, Ngawang Choephel is not alone as a political prisoner in China. In fact, there are large numbers of them. According to the U.S. State Department's own human rights report released earlier this year:

> All public dissent against the party and government was effectively silenced by intimidation, exile, and the imposition of prison terms. No dissidents were known to be active at year's end.

Mr. Speaker, Congress should not be supporting most-favored-nation status with China when that country has absolutely no respect for civil liberties. Congress should not be supporting most-favored-nation status with China when we have a $39 billion trade deficit with them and when corporate America is throwing American workers out on the street as they move factories to China and hire workers there for 20 or 30 cents an hour.

Let us say yes to the freedom of Ngawang Choephel and no to MFN with China.

FLOOD RELIEF

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

Mr. GUTKNECHT. Mr. Speaker, I rise out of frustration today about what is happening with the flood relief money for northwestern Minnesota and the Dakotas. But I am mostly frustrated with some of the rhetoric, and I am very disappointed with the some of my colleagues for trying to turn this into a partisan political issue.

Some people say, "Well, this bill is not perfect." Absolutely it is not perfect. There is money in there for the troops in Bosnia. I do not support that. There are a lot of other things in this bill that I do not support. But if I wait for the bill that is perfect, that has only in the bill what I absolutely agree with, we are never going to get a bill.

I think the President is being absolutely unreasonable on this because there is money, as I say, in there for Bosnia, there is money in there for parking ramps, there is a lot more money in there, and incidentally, there is money in there that the President did not request. It is money for relocation, and that is very important money for the folks up in the Red River Valley. So if we wait for all the lights to turn green, we are never going to leave the house.

Now why is the President holding up this flood relief money? Because he does not like the anti-Government shutdown provision in it. Is there any Member in this body that will stand on this floor and say they want to make certain that we have the chance to close down the Government come October 1? If they believe that, they ought to come to the floor and say that.

IN SUPPORT OF A CLEAN DISASTER RELIEF APPROPRIATION

(Ms. VELÁZQUEZ asked and was given permission to address the House for 1 minute.)

Ms. VELÁZQUEZ. Mr. Speaker, the President asked the Republicans for a clean disaster relief bill 84 days ago, 84 days. Instead, they sent the President a bill that tells the government how to conduct the census. I ask my colleagues across the aisle, what does the census have to do with the disaster relief?

The Democrats want to vote on a clean bill, but the Republicans will not let us. The Democrats want to help the people of the Midwest to rebuild their lives, but the Republicans will not let us. Mr. Speaker, the Republicans are playing politics with people's lives. They know that, if they pass a clean spending bill to help the flood victims, the President will sign it. But they will not do it.

Mr. Speaker, this is wrong. How many times must we say it? People are suffering and we have got to help them. Give us a clean disaster relief bill.

□ 1030

KEEP GOVERNMENT OPEN AND OPERATING

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

Mr. SMITH of Michigan. Let me give Members my ideas why the President does not like the provision in the disaster relief bill that would continue Government operations at 100 percent of the previous year's level if for some reason an appropriation was not passed into law. It is because if the President passes that provision, he feels he cannot force Congress to put in those increases in appropriation bills that he would like to have. He found out in the last 2 years that he can win in deciding how much to spend on social programs by vetoing appropriation bills and close down Government. He has learned and he thinks he knows that with the help of the liberal press he can spin this politically so he can demand any spending he wants out of Congress in those appropriation bills and simply say, "If you don't put in those appropriation bills that I, the President, want, then I'm going to veto it and any government close-down is going to be the Republicans fault.

If worse comes to worse, it is reasonable to keep Government open and operating at 100 percent of the previous year's level, and not let the President of the United States take over the spending responsibility of the legislative branch and dictate to Congress what is going to be in those appropriation bills.

PASS FAIR DISASTER AND TAX BILLS

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I can tell my colleagues what all of us want on the Democratic side of the aisle. We want fair and clean legislation to help the people in the Midwest and we, yes, want the bag of tricks to stop, the trickery that the Republicans are trying to play on the American people.

Frankly, this supplemental appropriation bill does two damaging things. One, it says that the balanced budget deal is not really a deal. It says that the promise of $1.5 billion to help our seniors with Medicare premiums, we will not have to commit to that nor will we have to give you that. That is why we want to put in the supplemental appropriation bill some kind of language that keeps the Government doors open, not because we care about that but because we want to bust the budget and we do not want you to do anything about it.

The census? That is not relevant to appropriations for the people in need. It is the same kind of trickery over and over again. It is the same way with the Republican tax plan, a plan for the rich, not for small businesses, not for middle income or low income individuals who send their children to the lowest income colleges. There is no money in there for them.

Mr. Speaker, let us get away from the bag of tricks. Give the money to the people in the Midwest and pass a fair tax bill.

SUPPORT THE STATE DEPARTMENT AUTHORIZATION BILL

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

Mr. GILMAN. Mr. Speaker, I rise in support of the State Department authorization bill which we will be voting on this morning, and I ask our colleagues to note that this bill, H.R. 1757, contains no foreign aid and no U.N. arrearages. These matters will be taken up later in separate legislation.

This bill before us carries out the promise we made to the American people to reform our international affairs bureaucracies designed to fight the cold war. The bill will consolidate two Federal agencies, USIA and ACDA, into the State Department.

The bill also contains other important features, including provisions to tighten the economic squeeze on Cuba's Castro, provisions to nail deadbeat diplomats, provisions to apply the MacBride employment principles in Northern Ireland, and provisions to implement the construction of our United States Embassy in Jerusalem.

Mr. Speaker, I strongly urge our colleagues to support this State Department authorization bill that will be before the House later on this morning.

GIVE PRESIDENT A CLEAN DISASTER BILL

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

Mr. LEWIS of Georgia. Mr. Speaker, I rise today because the Republicans are at it again. Our President has requested emergency funds to help flood victims in the Midwest. One more time the Republicans have put partisan politics above the needs of the American people. Republicans insist on trying to put their pet political projects into the emergency relief bill.

We are trying to help those who have lost their homes, their businesses and their possessions acquired through a lifetime of hard work. If there is a role for the Federal Government, this is it. We are a caring and compassionate nation. We must help those in trouble and stricken with misfortune.

It is a shame and a disgrace that once again the Republicans are holding flood victims hostage. Putting politics above the needs of the people is wrong, just plain wrong. Stop playing political games with people's lives, Mr. Speaker. Give this President a clean disaster bill.

SUPPORT ROHRABACHER AMENDMENT TO FOREIGN RELATIONS AUTHORIZATION BILL

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

Mr. ROHRABACHER. Mr. Speaker, in a few moments we will be discussing on the floor the foreign relations authorization bill. The first vote today will come in a few moments after that, when this body will vote on an amendment that I have proposed.

The Rohrabacher amendment is very simple. Russia, who is the recipient of $95 million of foreign aid from the United States, has developed a deadly new missile whose purpose is to kill American sailors. It is a supersonic cruise missile that is almost impossible to defend against, which skims along the ocean at supersonic speeds and is designed to attack Aegis cruisers and American aircraft carriers. It will cause havoc in the Straits of Hormuz, in the Straits of Taiwan. It will lead to situations where our sailors in great numbers, tens of thousands of them, will be vulnerable to be killed by this weapon.

The Russians now are proposing to transfer this weapons system to China. My amendment says if they do that, we should cut off the aid that we are giving to Russia. It is that simple.

Mr. Speaker, I ask for support for the Rohrabacher amendment.

RESERVATIONS ABOUT OZONE AND PARTICULATE MATTER REGULATIONS

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

Mr. WISE. Interesting note, Mr. Speaker. Does anybody think it a little strange that some of my colleagues from the other side, in protesting the President's veto of the disaster assistance bill, go through long explanations of the census and Government shutdowns? That is the problem. They are not supposed to be on a disaster assistance bill, but that is not why I rise today.

I rise today, Mr. Speaker, to talk about the Environmental Protection Agency and to express my concerns about the ozone and particulate matter regulations that are being proposed. My concern, Mr. Speaker, is not that I am opposed to clean air, and indeed I put my support for clean air legislation up there with just about anybody else's. My concern is that in this major legislation that will designate many of our areas as nonattainment that have previously been attainment areas, that in this important area of discussion there has been no discussion, or relatively little discussion, about the impact.

I do not remember in my career in Congress such a change of great magnitude with so little public discussion. It certainly ought to be discussed more in the public, it ought to be discussed more in the Congress. That is why I have joined others in urging Administrator Browner not to proceed with these regulations as written, but to take the advice of many others, including, I might add, some of their own advisory bodies to the EPA that have expressed reservations about them.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 663

Mr. BARCIA. Mr. Speaker, I ask unanimous consent that my name be removed as a cosponsor of H.R. 663.

The SPEAKER pro tempore (Mr. KINGSTON). Is there objection to the request of the gentleman from Michigan?

There was no objection.

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.

□ 1038

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. ROGERS (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 Tuesday, June 10, 1997, the amendment offered by the gentleman from Pennsylvania [Mr. FOX] had been disposed of.

Pursuant to the order of the House of that day, no further amendments are in order except: The amendments en bloc by the gentleman from New York [Mr. GILMAN] pursuant to the order of the House of Thursday, June 5, 1997; and the amendment by the gentleman from South Carolina [Mr. SANFORD] regarding authorization levels.

Each amendment will be debatable under the 5-minute rule.

Mr. GILMAN. Mr. Chairman, I ask unanimous consent to strike the last word.

The CHAIRMAN pro tempore. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. GILMAN. Mr. Chairman, this morning we are, as the Chair indicated, resuming consideration of H.R. 1757, our foreign relations authorization measure. We have a few amendments to consider today and will be then prepared to move to final passage.

Through extensive deliberation, we have developed an en bloc amendment that will merge the Arms Control and Disarmament Agency into the State Department. This locks in the President's decision to reorganize the foreign affairs agencies.

The first order of business will be a vote on the Rohrabacher amendment to restrict aid to Russia because of missile deliveries to China. Following that, we will take up the Sanford amendment to reduce funding levels to fiscal 1997 levels. Finally, we will consider the foreign affairs agencies consolidation, and then go on to final passage.

In totality, this is a bipartisan bill and we hope to have the support of our colleagues on the measure.

ANNOUNCEMENT BY THE CHAIRMAN PRO TEMPORE

The CHAIRMAN pro tempore. Pursuant to House Resolution 159, proceedings will now resume on the amendment offered by the gentleman from California [Mr. ROHRABACHER], on which further proceedings were postponed on Tuesday, June 10, 1997.

AMENDMENT OFFERED BY MR. ROHRABACHER

The CHAIRMAN pro tempore. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from California [Mr. ROHRABACHER] on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will designate the amendment.

The text of the amendment is 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.

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 225, noes 190, not voting 19, as follows:

[Roll No. 178]

AYES—225

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bilbray
Blunt
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Fawell
Foley
Fowler
Fox
Franks (NJ)
Gallegly
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kim
Kingston
Kleczka
Klug
Largent
Latham
LaTourette
Lazio
Leach
Lewis (KY)
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Markey
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Miller (CA)
Moran (KS)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Packard
Pappas
Parker
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Skelton
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stark
Stearns
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—190

Ackerman
Allen
Andrews
Baesler
Baldacci
Ballenger
Bass
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Ehrlich
Eshoo
Etheridge
Evans
Ewing
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gekas
Gephardt
Gilman
Goss
Graham
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinojosa
Hooley
Horn
Houghton
Hoyer
Hyde
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
Meek
Menendez
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (VA)
Morella
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Pallone
Pascrell
Pastor
Payne
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Scott
Serrano
Sherman
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stokes
Strickland
Stupak
Tauscher
Taylor (NC)
Thompson
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Woolsey
Yates

NOT VOTING—19

Boehner	Forbes	Schiff
Crane	Gonzalez	Schumer
Davis (IL)	Gutierrez	Smith (TX)
Doolittle	Linder	Stenholm
Engel	McNulty	Walsh
Farr	Molinari	
Flake	Mollohan	

□ 1104

Messrs. FROST, EWING, and KNOLLENBERG changed their vote from "aye" to "no."

Messrs. PITTS, FOX of Pennsylvania, LATHAM, POSHARD, COSTELLO, HALL of Texas, PACKARD, MORAN of Kansas, and SHAYS and Ms. RIVERS changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. SANFORD

Mr. SANFORD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANFORD:

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—LIMITATION ON AMOUNT APPROPRIATED

SEC. 2001. LIMITATION ON AMOUNT APPROPRIATED.

Notwithstanding the specific authorizations of appropriations in the preceding provisions of this Act (and the amendments made by this Act), the aggregate amount appropriated pursuant to the authorization of appropriations for each of the fiscal years 1998 and 1999 provided in this Act (and the amendments made by this Act) may not exceed the amount appropriated for fiscal year 1997 for the provisions described in this Act (and the provisions of law amended by this Act).

Mr. SANFORD (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 (Mr. ROGERS). Is there objection to the request of the gentleman from South Carolina?

There was no objection.

Mr. SANFORD. Mr. Chairman, I have an amendment here that would save U.S. taxpayers $265 million in 1998 authorization, and it would save them $265 million in 1999 authorization. That seems to me something worth doing for a couple of different reasons.

First, it seems to me to be in line with what the taxpayers are asking for. What taxpayers are consistently saying to me in my home district is that if we are asked to do more with less, why cannot Government do more with less? Individuals are asked to do more with less, businesses are asked to do more with less.

What this amendment does is not to ask the State Department to do more with less, but simply to do what they are doing with what they have, because this is just a freeze, and I stress that word "freeze," at 1997 levels.

Too, I think this is of interest and again an amendment worth passing because I think it is what our children are looking for. Lawrence Kotklikoff up at the University of Boston did a study on a thing called generational accounting, and in this study they looked at the imputed lifetime tax for a child born into America today; I mean for each of my three young sons, Marshall 4, Landon, 3 and Bolton, 1, for each of those children, the imputed lifetime tax is 84 percent. To me that is unconscionable. That either means the equivalent of economic enslavement or it means the end of the capitalistic system as we know it, but in either case it means unpleasantness for each of my three boys or any of our respective kids or grandkids. Here is a chance to lower, in essence to lighten, the burden by $265 million off one shoulder and $265 million off the other shoulder. That, to me, seems worth doing.

The third reason that I think that this amendment again makes sense is it is consistent with the math. What we talked about in committee last year when we talked about merging two cold-war-era programs, U.S. Information Agency and the Arms Control and Disarmament Agency, both of which were designed to counter Soviet influence, when we talked about merging those two programs, we talked about billions of dollars worth of savings. Yet if we look at the funding here, as we can see by the bill, it goes up by $265 million. This is a chance to take advantage of that savings that we talked about in committee.

A fourth reason that I think this makes a lot of sense is that it reflects reality. If the Berlin Wall had not fallen in 1989, I would not be offering this amendment. But the Berlin Wall did fall, and with it many things changed. If our spending on diplomatic missions and embassies and a whole host of other section 150-related expenditures was to reflect that change, we would have seen a dramatic decrease. But instead, funding has gone up from 1987 to 1994, it dipped slightly after 1994, and now it is on the way back up. To me, that does not reflect reality.

In fact, if we look at State Department funding, State Department funding has in essence doubled from the early 1980's to present. Again, I do not think that reflects the change that came with the fall of the Berlin Wall.

Lastly, I would just mention that a whole host of groups, whether it is Women for Tax Reform, Citizens Against Government Waste, the National Taxpayers Union, Citizens for a Sound Economy, Americans for Tax Reform or the Association of Concerned Taxpayers, think that this amendment is in the best interest of the American taxpayer, and I would urge its adoption.

Mr. MENENDEZ. Mr. Chairman, I move to strike the last word.

(Mr. MENENDEZ asked and was given permission to revise and extend his remarks.)

Mr. MENENDEZ. Mr. Chairman, I rise to oppose my colleague's amendment, an amendment that I believe is shortsighted. Mr. Chairman, foreign aid is not a frivolous expense of the United States tax dollar, especially when it is in the form of funds to support the State Department and our embassies abroad which serve to represent U.S. political and economic interests overseas.

The men and women who work in our missions overseas are not living in the lap of luxury. To the contrary, let me tell my colleagues, I was recently in Angola where our embassy staff, American citizens, both work and reside in trailer homes inside a heavily-guarded concrete compound where electricity and water are often cut off. These individuals live under these circumstances so that the United States might have some impact with the new government of that country, and to protect the millions of the many U.S. investments that exist in that country.

Those of my colleagues who would find it politically expedient to vote to cut foreign aid and operating expenses for our foreign service agencies fail to understand that there clearly is a price for leadership, and that price is far less, far less, than the cost of any military engagement that we can avoid through our diplomatic efforts, far less than a terrorist attack, far less than even a trade war in terms of dollars and lives.

Although the cold war is over, America has to remain alert to new threats, political instability, international terrorism, nuclear proliferation, epidemic diseases. All of these are things that we face in the context of this funding that we are trying to authorize. Continued U.S. engagement in international organizations and through unilateral and multilateral actions allow us to exert among our allies and our foes to diminish the threats to our political and economic security. Despite the rhetoric about the excesses of foreign policy budget and foreign affairs, the fact of the matter is, we are talking about 1 percent, 1 percent of the total Federal budget in contrast to the defense budget, which is about 18 percent of this Federal budget.

□ 1115

Despite what Members may have heard, annual expenditures for our assistance abroad is quite small and provide a big bang for our buck. In fact, many foreign assistance dollars never get abroad. Eighty percent of U.S. aid contracts and grants go to U.S.-based organizations and firms, and 95 percent of all food aid purchases, for those of the Members who are farmers in the Midwest, are made in the United States, 95 percent of all of those purchases. Nearly all of our military assistance is spent on U.S. goods and

services for those who have the suppliers in their districts who create these particular goods.

Those Members who are considering supporting this amendment should consider this: Isolationism is a far greater threat to the U.S. economy and to American workers than the meager expenditures that we are doing under this agreement. Even opponents of foreign aid must agree that we have economic interests overseas, including economic interests where people are employed here in the United States by what we promote abroad. The Commerce Department estimates that for every 1 billion dollars' worth of exports, we generate over 20,000 U.S. jobs here at home. In that regard, U.S. assistance to promote economic and political stability in developing countries is very, very dramatic.

As we approach the 21st century, we have to understand, as Madeleine Albright, our Secretary of State, has said, we cannot have foreign policy on the cheap. I am talking about looking at the bottom line, our interests here at home. Our interests here at home are fueled by the meager expenditure we make in this regard in the context of our entire budget.

In fact, being able to dictate what the new technologies are at Geneva in the respective organizations that we are participating in; promote U.S. interests abroad; promote the technological advancements that we have set in this service economy, that we have the ability to make a difference in; promote, as I just did in our trip to Africa and South Africa the hundreds of millions of dollars of expenditures by the pharmaceutical industry that are under threat because of a change in South African law as it relates to that pharmaceutical industry, so important to my State of New Jersey, we cannot be engaged in those arguments if we do not have the proper representation at our embassies abroad.

Mr. SMITH of New Jersey. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise to oppose the amendment. I do so with some reluctance. The gentleman from South Carolina [Mr. SANFORD] is a respected and valuable member of our committee. I know that he acts from exactly the right motives in offering this amendment.

I would warmly support this amendment if some of the cuts came to the multibillion dollar foreign aid accounts, of course, not the foreign aid that goes to save children's lives or feed the hungry, but the foreign aid that goes to international social engineering and sometimes to prop up dictatorships. But let me remind Members that we have already cut the major foreign aid provisions out of this bill. They are not in the bill that is before this body.

Then let us look at the numbers. The total spending in this bill, and this is the administration of foreign relations and refugee protection—it is not foreign aid per se although there are some provisions in it—the total spending in this bill is only 3.1 percent over fiscal year 1997, which is approximately the rate of inflation.

There is no money in this bill to fund empire-building, no money for big new programs or even expansion of old ones. The bill is already substantially below the administration's budget request for fiscal year 1998, approximately $181 million below the administration's request. That is also below the budget resolution, which all of us in this committee have voted for, or at least most of us.

This bill saves money, as against the budget agreement. Again, we are already on record as supporting that agreement. It is a Republican-initiated, administration-backed agreement. We are below that, so anyone who says we are exceeding that—yes, we are below last year's, but we are well in line with the budget resolution.

Second, this bill means even greater savings in fiscal year 1999. If we do not pass this bill, the administration will almost certainly request and perhaps even get higher spending on the State Department and related agencies in fiscal year 1999. This bill actually reduces spending in that fiscal year.

Even more important, we have structured this bill so that the modest increases do not primarily go to fund the Federal bureaucracy. Instead, we enhance profreedom, prodemocracy initiatives such as refugee protection, Radio Free Asia, and human rights programs such as the scholarships for young people who have been forced to flee Tibet, Burma, and East Timor.

Even though the Sanford amendment is not aimed specifically at refugees or at Radio Free Asia, the aggregate cuts it imposes would almost certainly result in cuts in these programs. Unfortunately, the refugee account has already taken a cut in real dollars. The modest funding for refugee protection is not even enough to cover the last couple of years' worth of inflation. In real dollar terms, refugees still take a substantial cut over 3 years. Let us not forget we are awash in refugees. Some 26 million people are refugees throughout the world.

Mr. Chairman, I have a letter that I have received from the InterAction Committee on Refugee Assistance, a dozen organizations, including the principal Catholic, Jewish, Lutheran, and Episcopalian refugee assistance agencies, as well as other humanitarian and human rights groups, which details what these groups call the alarming trend toward reduction of resources for refugee protection overseas.

Mr. Chairman, at the proper time I will ask that that be made a part of the RECORD so Members can see how these cuts, this slowing down of refugee protection money, has hurt the Christian Karen refugees from Thailand to Burma, has hurt people in Liberia and elsewhere, simply because there is not enough money to protect these very vulnerable people.

I also want to call attention to the effect that this amendment will almost certainly have on the enhancement we voted for last week, on the amendment that I offered to provide and to boost Radio Free Asia by $70 million. That was, and I want to repeat this as I did last week, an initiative that Speaker GINGRICH came up with; that rather than 8 hours per day of broadcasting, Radio Free Asia ought to be bumped up to 24 hours a day into China, to send the message of freedom and hope to that beleaguered country. This legislation boosts that from the $10 million in the bill each fiscal year, $20 million total, by $70 million. Again, that was an initiative that the Speaker suggested to us.

Mr. Chairman, I ask Members to vote down this amendment. I do so with reluctance, because I so greatly respect the gentleman from South Carolina [Mr. SANFORD], but I think we have done a good job.

In my Subcommittee on International Operations and Human Rights, and I know that the presiding chairman will look at this very carefully as well, we have tried to hold the line on spending. It is a good bill. Again, we are almost $200 million below the budget resolution so we come in under that number.

Mr. Speaker, I insert the following for the RECORD:

AMERICAN COUNCIL FOR VOLUNTARY INTERNATIONAL ACTION,
Washington, DC, April 9, 1997.

Hon. BENJAMIN GILMAN,
Chair, House International Relations Committee, Washington, DC.

DEAR CHAIRMAN GILMAN: As you work to develop State Department authorization legislation for fiscal years 1998 and 1999, the undersigned agencies urge you to authorize at least $700 million for Migration and Refugee Assistance (MRA), and to work with the Appropriations Committee to ensure that this amount is provided. The MRA account has suffered funding reductions in recent years that seriously jeopardizes the protection of refugees worldwide.

In addition, we urge you to increase the authorization level for the Emergency Refugee and Migration Assistance account to $100 million. This life saving account is a no-year appropriation that has been essential in providing needed flexibility to the Administration to address emergency needs such as the most recent refugee crisis in the Great Lakes Region of Africa.

The authorized level for MRA is currently $671 million, and this amount was appropriated for fiscal years 1994 through 1996. However, for FY 1997 the appropriation was reduced to $650 million (which is the amount requested by the Administration for FY 1998). In addition, Congressional appropriators permitted $12 million of the FY 1997

MRA funding to be used for the administrative expenses of the State Department's Bureau for Populations, Refugees, and Migration (PRM), thus reversing a prohibition on such use of MRA funds that had existed for the previous two years (during those two years, PRM administrative expenses were funded through appropriations for Diplomatic and Consular functions). The Administration again seeks $12 million for this purpose in FY 98. The effect of this earmark is to further reduce the amount available for direct assistance to refugees. In real terms, this means that unless Congress acts this time, there will be $33 million less available for refugees in fiscal year 1998 as compared to 1996. This real reduction in resources for refugees overseas is not acceptable.

Within the MRA account, the funding specified for overseas assistance ($468 million in FY 1997) is used for contributions to international organizations, primarily the United Nations High Commissioner for Refugees (UNHCR). The role of UNHCR in providing life-saving and other assistance to refugees is critical to the protection goal of U.S. refugee policy. For this reason, inadequate MRA funding has a direct impact on the achievement of refugee protection.

EXAMPLES OF UNMET REFUGEE PROTECTION NEEDS

In recent months, several alarming trends have been noted. Among these is understaffing in UNHCR's protection division. Site visits by many of our agencies to refugee situations worldwide regularly find that UNHCR's protection corps is dangerously understaffed, which exposes refugees to serious risks and deprives UNHCR of the ability to fulfill its primary task of protection. The results of inadequate resources are seen in the following examples, provided through site visits by our organizations:

A site visit to Uganda in Central Africa in 1996 found that UNHCR did not have a single protection officer in northern Uganda to monitor the grave protection needs of 200,000 Sudanese refugees there. More than 100 Sudanese were killed in northern Uganda last year during rebel raids on refugee settlements. Similarly, in West Africa UNHCR had a single protection officer in the field to address the needs of 300,000 Liberian refugees in Ivory Coast. These refugees lack proper identification cards and are vulnerable to harassment and abuse by local soldiers as well as by combatants infiltrating refugee sites from Liberia.

In Burundi some 70,000 Burundian refugees were to be repatriated into potentially dangerous areas of the country, UNHCR had to suspend its resettlement efforts in part because it lacked the resources to monitor the safety of returnees. Because of Burundi's dangerous highways, UNHCR needs an expensive air capacity to monitor the safety of recent returnees and gain an early warning capacity for new refugee flows in inaccessible areas of the country.

The United States has advocated for elections in Liberia at the earliest appropriate time, even though 750,000 Liberian refugees—nearly one-fourth of the electorate—are out of the country and potentially disenfranchised. In order to ensure the credibility of any Liberian election, UNHCR may need to bring the electoral process to Liberian refugees if conditions remain too dangerous to bring refugees home to Liberia to vote. It would be an expensive but important undertaking.

In India, UNHCR has terminated assistance to many urban refugees living in Delhi because of lack of funds. The refugees, who live in dire circumstances even with UNHCR assistance, have been despondent, saying that they have no means to survive. One refugee killed herself after her assistance was terminated.

In Nepal, border guards continue to hand over Tibetan refugees to the Chinese authorities. UNHCR is only able to visit the border occasionally, when a full-time presence would be warranted. Also in Nepal, UNHCR has reduced the level of assistance to Bhutanese refugees, despite the fact that there are not prospects for their repatriation or local integration.

UNMET NEEDS IN THE VOLUNTARY RETURN OF REFUGEES

In addition, underfunding of UNHCR's core programs and special initiatives prevents needed assistance to refugees, thwarts efforts at repatriation, and in other ways undermines the goals of the U.S. refugee program. The results of inadequate resources are seen in the following examples, provided through site visits by our organizations:

Landmines have become a more prevalent danger to repatriation. The pending return of 300,000 refugees to Angola is a case in point—Angola is estimated to contain as many as 10 million landmines. A major coordinated effort with international organizations is needed to address this major impediment to safe repatriation. The threat of landmines affects relief routes and repatriation routes, and necessitates landmines awareness programs among refugees. Removal of landmines is usually an expensive but necessary component of reconstruction to facilitate the voluntary return of refugees.

A massive repatriation of 300,000 refugees to Sierra Leone under a fragile peace accord is being pursued. Yet UNHCR's financial constraints have impeded efforts to place a protection officer in the field outside the capital. Similar constraints exists in Liberia as plans for a massive repatriation effort from Ivory Coast and Guinea are being considered. A site visit to Guinea in 1996 found that broken delivery trucks were hampering food deliveries to 200,000 Liberian refugees over some of Africa's most difficult roads. Lack of spare parts for truck repairs is a major problem. The UNHCR had two field officers trying to meet the assistance needs of 200,000 refugees. Some experts consider the acceptable ration to be one field officer per 25,000 refugees.

One of the most promising young countries in Africa. Eritrea, still waits the return home of up to 300,000 refugees. Their repatriation has been stalled for three years, in part by the expense of conducting a repatriation program that provides the level of support that returnees will need in order to rebuild after decades of destruction from civil war.

American agencies working on the ground in Bosnia continue to report the lack of shelter, services, and economic activity as a major deterrent to repatriation of refugees. With the lifting of temporary protection for Bosnians in Europe, there is a need for comprehensive durable solutions to be found. These include voluntary return for most refugees, who will need an infrastructure to be rebuilt in their villages and towns. For others, it will involve resettlement opportunities in third countries such as the United States.

SPECIAL NEEDS OF REFUGEE CHILDREN

UNHCR and other international organizations have recently recognized that special efforts must be made with regard to refugee children. Children constitute over 50% of UNHCR's refugee caseload, and children separated from their parents and normal care givers constitute one of the most vulnerable refugee populations. These children need the assistance of staff trained and equipped to deal with their legal, physical and mental needs.

These services are particularly crucial in order to prevent the recruitment of children as child soldiers, military porters, prostitutes, and forced marriage partners. Refugees families and communities must be assisted in helping their children cope with the effects of physical and psychological trauma and prolonged periods of insecurity and interrupted family life.

With adequate funding and staffing. UNHCR can coordinate with ICRC, UNICEF, nongovernmental organizations, and others to engage in quick intervention, tracing, and reunification programs. These coordinated efforts can help reunite children with caring members of their families or former friends and neighbors willing to help children preserve their language, culture, and relationships with family and their communities.

Conflicts also produce families headed by children, who need special attention to care for the needs of their younger siblings while in exile and particularly on return to their homelands, where they often lack necessary life and vocational skills. Other children with special needs include older teens who have spent years in exile or refugee camps; demobilized child soldiers; victims of sexual abuse or torture; and handicapped or landmine injured minors.

Only 30% of refugee children benefit from formal educational programs, and often teachers and curriculum for these programs are poor. Agencies are anxious to produce and oversee better teaching training and to provide curriculum materials that are educationally challenging and can help children understand the importance of basic human rights and democratic values. Such efforts will help these young students contribute to the reconciliation of their communities and the rebuilding of their societies.

The MRA account also provides funds for the admission of refugees to the U.S. We wish to note in this regard that over the past several years the Administration has drastically reduced the ceiling for refugee admissions. The current admissions level of 78,000, for example, represents a 13% decrease from the FY96 ceiling of 90,000 which in turn was about 20% lower than the FY95 figure of 112,000. This decrease is clearly contrary to the will of Congress, as expressed in last year's defeat of efforts in both the House and Senate to statutorily cap the number of refugee admissions. In addition, recent letters to the State Department from Members in both chambers have urged that the admissions ceiling be restored to between 90,000 and 100,000.

We thank you for your ongoing work on behalf of refugees and other forced migrants, and we appreciate your consideration of our views on this critical funding issue.

Sincerely,

Elizabeth Ferris, Chair, Committee on Migration and Refugee Affairs. Executive Director, Immigration & Refugee Program, Church World Service. On behalf of the following agencies: Tsehaye Teferra, Executive Director, Ethiopian Community Development Council; C. Richard Perkins, Director, Episcopal Migration Ministries; Martin A. Wenick, Executive Director, Hebrew Immigrant Aid Society; Roger Winter, Executive Director, Immigration &

Refugee Services of America, U.S. Committee for Refugees; Robert Devecchi, President, International Rescue Committee; Ralston H. Deffenbaugh, Jr., Executive Director, Lutheran Immigration and Refugee Service; Le Xuan Khoa, President, Southeast Asia Resource Action Center; John Swenson, Director, U.S. Catholic Conference/Migration & Refugee Services; Don Hammond, Vice President, World Relief Corporation.

Mr. HASTINGS of Florida. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise today to oppose the Sanford amendment, the amendment of my colleague. Really, honestly, I would say to the gentleman from South Carolina, I will say that he misconstrues foreign aid and foreign assistance and what we do in the United States.

Further, the gentleman's amendment guts foreign affairs spending levels that we agreed to last week in the budget resolution. Even more important, I think the gentleman ignores the fact, and I heard him in his comments say that we have increased our foreign affairs funding in the last decade, when in fact the last 2 fiscal years we have reduced our foreign affairs funding by 14 percent.

Let me put a human face on this. In January I went with a congressional delegation, the largest one ever to leave the United States to go to China, led by the gentleman from Arizona, JIM KOLBE. Subsequent to that I went with the Speaker of the House again to China in March.

In each instance it was extremely cold in China, particularly in January. We met at our Embassy in China for what is referred to as a country team briefing. That place was leaking and dilapidated. All I can say to Ambassador Sasser and the people that are there is that it must be exceedingly difficult to keep their morale up in just that particular country alone.

I went home in March with a youngster that works at that Embassy who lives in a facility that does not have hot water, did not have heat, and his electricity is off more than it is on. The morale of people in foreign services then, would, of course, be reduced if we find these circumstances.

My colleague, the ranking member, just spoke about being in Angola. I was with him in Angola just 2 weeks ago. When we got there, I do not know whether the gentleman remembers, I would say to the gentleman from New Jersey [Mr. MENENDEZ], but we were told a body was found out on the street the Sunday before we were there. The building next door to the Embassy had been rafed with bullets. Here we have a dilapidated structure, again, with our Ambassador living in it, with potable water being a difficulty, that Ambassador having had malaria seven times, he reported, in addition to others that I have heard that complaint about.

I have talked to the people in the Embassies, and their morale is low. What the gentleman would do is cause that to be a problem.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. HASTINGS of Florida. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I thank the gentleman for yielding. Does that mean, then, that the morale is very high, for instance, in Argentina, where the Embassy is appraised at over $20 million?

Mr. HASTINGS of Florida. I cannot say that the morale is high in Argentina, I do not know that. I can tell the gentleman about Angola and about Zaire, the former Congo. I can tell the gentleman about the Ukraine, where 25 percent of all of what the Embassy does is expedite U.S. business problems.

That is where the gentleman is shortsighted, Mr. Chairman. The gentleman is thinking that the money just goes out and the residual does not leave an impact in the United States of America. It has a tremendous impact, what Embassies do to help American businesses; but even more important, American citizens. We cannot have people, either in tourism or in business, all over the world and not have our facilities to help them.

Mr. SANFORD. If the gentleman will continue to yield, Mr. Chairman, I wholeheartedly agree that our Ambassador staff, our Embassy staffs around the globe do a great job. What I am struggling with is the same thing that the American taxpayer is struggling with. That is that many of them live not in $200 million homes. I have a long list of residences that are appraised at over $1 million.

Mr. HASTINGS of Florida. Taking back my time, Mr. Chairman, that is disingenuous. I do not know that Embassy, but I know the one in Prague, in Paris, in England. Many of those buildings were purchased some time ago, sometimes at almost crazy costs that they were sold for.

So surely American citizens do not live in $20 million homes, but American citizens benefit by low-cost products, American citizens benefit by safe and inhabitable environments that are sometimes produced in circumstances where our Embassies and consulates, which we have already cut immensely around the globe, have caused them to benefit greatly.

That is where I think a part of the mistake is. It is as if we take $16 billion and throw it, poof, up in the air and nothing comes back to us. One whole lot comes back to this country. In Angola, I heard them discussing how Chevron and how Texaco use our Embassy in helping them to be expedited. I can tell the Members, safety and security is a vital concern. The gentleman's measure would ignore that.

Mr. KOLBE. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by my colleague and I would say my friend, the gentleman from South Carolina [Mr. SANFORD], because he is a very thoughtful Member. However, I disagree with him strongly on the issue of whether or not we should make this kind of cut in our State Department authorization.

Mr. Chairman, it would be appropriate if the chairman of the Committee of the Whole House, gentleman from Kentucky, who is also the chairman of the Appropriations subcommittee that funds the State Department, were down here speaking on this. I do not presume to speak for him. But having worked with him for the last 10 years on this issue, I think I have some understanding, as I know the gentleman has an even greater understanding, of the needs in foreign policy.

I would like to focus on one reason that the gentleman from South Carolina gave in support of his amendment. He gave as his fourth reason that the amount of money we are spending in foreign policy does not reflect the reality of the world since the fall of the Berlin Wall.

I would say it is exactly contrary to that. It is precisely because of the fall of the Berlin Wall, it is precisely because of the end of the cold war, that our requirements, our foreign policy responsibilities, have grown apace. The United States still continues to be the only country in the world that is a diplomatic superpower, a military superpower, an economic superpower, and a political superpower. That gives us, whether we like it or not, very substantial responsibilities that we as a country must continue to discharge.

We know this is not a less dangerous world that we live in today simply because of the end of the cold war. Indeed, we find that in many regions of the world conflicts and problems that had heretofore been kept under the surface by an overarching superpower conflict, have now risen to the surface and pose potential dangers to the United States and to the rest of the world.

□ 1130

These are problems that pose potential dangers to the security of the world and to peace in various regions of the world.

Not long ago I took a congressional delegation to China. I mention that because during our visit we went to our Embassy in Beijing. One of the things that this amendment would do would be to cut the funds that are available for renovation and repair of Embassies. We are talking about the U.S. mission in what is the largest country of the world from a population standpoint, the third largest country of the world

in terms of its gross domestic product, its economy, and the country with the largest trade deficit that the United States has.

In Beijing, our Embassy is woefully inadequate; it is desperately in need of repair; it is leaking through the roof; it has inadequate plumbing and inadequate electricity. Frankly, it does not enhance the credibility of the United States, the largest country of the world, the major power in that region, to be in such a woefully inadequate facility. That sends a message that I believe is the wrong kind of message.

But it is more than just the Embassy renovations we are talking about in this proposed cut. What about the Embassy security? We have Embassies all over the world that desperately need to be upgraded from a security standpoint. We are committed to increasing the amount of broadcasting in Radio Free Asia. We are committed to doing more, as the gentleman from New Jersey said, in refugee protection; and an area that I am concerned about, environmental protections along the United States-Mexico border. Commitments that we made as part of the North American Free-Trade Agreement would be substantially cut as a result of this amendment. We would be cutting our efforts to try to establish an Embassy in Jerusalem, our efforts to eliminate child labor all over the world. These are just some of the issues that would be affected by this cut.

The reality is, Mr. Chairman, that we have a funding need that is driven in very large part by currency exchange rates. That is one of the things the gentleman from South Carolina did not focus on when he talked about the rising cost of the State Department. Frequently, the cost is beyond our control. Currency exchange rates drive the amount of money we have to spend overseas. It has nothing to do with the actual dollars that we would be appropriating if all those dollars were being spent here at home. But they're not. We have to pay our foreign nationals in their currency. We have to buy food in that currency. We have to pay for repairs in that currency. So we are driven by factors that are often outside the control of the subcommittee, as the chairman well knows, when we appropriate funds in our subcommittee.

I urge my colleagues to not support this amendment. It simply is not the right time to be sending a signal to the rest of the world that we are going to reduce our involvement, that we are going to reduce our commitment to American foreign policy. I urge my colleagues to reject this amendment.

Mr. BERMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from South Carolina. This is probably a fairly easy amendment for the Members of this body to vote for. The political repercussions of a "yes" vote in the short-term future would not be great, and one could certainly find it very attractive to talk about cutting spending and trimming back government.

But I would suggest that in terms of the long-term U.S. national interest, this could be one of the most devastating votes that we could make. We are at the point, in terms of our funding of our diplomatic agencies, that we are getting to the point where the inadequacy of the funding, the level of demoralization of the staff, the lack of ability to deal with the rising cost stemming from terrorism and proliferation and all of the other still existing threats to our national security are going to render our diplomatic agencies unable to meet the challenges that they face.

Just a couple of facts in terms of background. We spend less in our international relations spending now than we spent in fiscal year 1985 in unadjusted dollars. In terms of just straight dollar amounts, we are spending less now than we spent in 1985. The budget for the State Department and other diplomatic agencies has already been cut in the past 2 years by 14 percent.

This amendment violates the budget agreement, overrides the vast majority of the Committee on International Relations in terms of the appropriate level, removes the flexibility of the appropriators who are dealing with a very difficult situation where three important agencies, the Justice Department, the Commerce Department and the State Department, are all within their budget, and puts an artificial lid on one aspect of that, which makes their ability to make sensible priority decisions much weaker.

It cuts the Embassy security. It limits our ability to build up Radio Free Asia. It cuts refugee protection. It very much impacts in our effort to develop a broader program for the Mexican-United States border which would allow us to ensure that the very necessary commercial relations, if it exists, are documented, that people have the appropriate credentials and at the same time are not able to come across the border illegally. There is no point to going any further with these cuts.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, could the gentleman show me any of those cuts?

Mr. BERMAN. Could I show the gentleman the cuts?

Mr. SANFORD. Yes, Mr. Chairman.

Mr. BERMAN. The cuts in what the administration has requested in terms of State Department funding?

Mr. SANFORD. Mr. Chairman, if the gentleman will continue to yield, in other words, I would call a cut a cut from what we are spending today. I think we both know this is simply a freeze at 1997 levels.

Mr. BERMAN. Mr. Chairman, we sit here and we decide, we want to build the following Embassies. We want to institute the following new program on the Mexican border. We want the diplomatic security bureau of the Department of State to undertake the following new security measures. We want more commercial attaches in the following Embassy. Then we put on top of that a resolution which freezes the budget. The result of that is a massive cut in other functions that was never anticipated, a reduction in the ability to process passports and all the other basic services that the State Department undertakes. You cannot engage in a whole series of new initiatives and then freeze the budget without expecting massive cuts in other areas.

Mr. SANFORD. Mr. Chairman, I suppose it would be a matter of viewpoint on that. Again, in 1983 the State Department was funded with $1.9 billion. Today it is funded with $3.97 billion. To me that would not be a cut.

Mr. BERMAN. Mr. Chairman, fiscal year 1985, using that as the base, we spent more money on the international relations budget in that year than is being proposed by the President to spend this coming fiscal year. This House has already cut the administration's budget in this area by several hundred million dollars. This amendment would cut it by an additional $200 to $300 million. I think that is a terrible mistake. I urge that the amendment be defeated.

Mr. LEACH. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, let me say that I consider the gentleman who has offered the amendment one of the Congress's most distinguished young leaders. My concern, and I would like to extend a little bit beyond, although in full agreement with the last speaker, Mr. BERMAN, as well as the previous speaker, the gentleman from Arizona, Mr. KOLBE, relates to the nature of the world. There are two things that I think this body has to relevantly consider.

As the cold war has come to an end certain international issues are more complicated. It is not just an "us versus them" circumstance. A lot more sophistication is needed. We are also seeing a number of new countries develop. Some of these new countries are former States of the former Soviet Union. Some are former states of a split country, the former Yugoslavia. Some are in other parts of the world.

But the point I would make is that if you want to give legitimacy to these states, you have to recognize them in appropriate ways. That means establish embassies in these countries; that means make it clear that the United

States of America legitimizes the state structure that has come into being, which is in our enormous national interest.

Second, if in a very broad sense one can characterize the last half century as being principally one of geopolitics, we all hope and there is certain potential in the making that the next half century will be largely about geoeconomics. In this contest I think an enormous case can be made that to help American business we are going to have to have not less representation abroad but significantly more, particularly in the area of commercial activities and decentralized consulates.

When you have significant countries with regions that are the equivalent manyfold of the average nation-state, it is very important that the United States business community have an anchor in those regions, whether it be the Shanghais or other cities within the new China or whether they be part of the older countries of western Europe. My sense is that we shortchange the Department of State at great risk to the national security of the United States and also in a very significant way to the future of American commerce.

The State Department has done a very poor job in contract with the last century in projecting commerce as a signal mission. But I think in the coming decades on this commercial component of American representation abroad and the need to have structures to support the commercial component are going to be increasingly important. So as easy as this amendment seems to be to vote for, I think the membership ought to take great caution and support the budget agreement, support the President, who is, after all, all of our President when it comes to foreign policy, and support the leadership of the committee.

Mr. CAPPS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I oppose the gentleman's amendment for many reasons, but I wish to speak specifically on cutting off funds to upgrade our facilities in China.

Mr. Chairman, I have been to China. I have been to the U.S. Embassy in Beijing, as others who spoke before me have. I have witnessed the deplorable conditions of the building in which Ambassador Sasser and his very able staff do their work. Our quarters there, in my judgment, are an embarrassment to this country. They need to be upgraded, and this is not an excessive request. It simply has to do with doing what is right so that we can do our work and maintain the morale of our talented and well-trained representatives in Beijing and throughout the world.

This is not the time to adopt an isolationist foreign policy. On the contrary, the allocations for the State Department are justifiable, so I oppose the amendment and I urge my colleagues to vote against it.

Mr. CHABOT. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in strong support of the amendment offered by my friend, the gentleman from South Carolina [Mr. SANFORD]. For the first time in recent memory, the Congress is moving away from its free-spending ways. A balanced budget in the next 5 years is now a real possibility. Tax breaks for working American families, albeit not large enough tax breaks, I think we should go much larger than those that are proposed at this time, but they appear to be in the offing. But we could go much further.

The gentleman's amendment, similar to the one I voted for in committee, is a fair one. It simply freezes spending authorization at the level appropriated for fiscal year 1997. Freezes. It was not a cut, although I would support a cut. It is a freeze. We are simply saying that while we work toward a balanced budget, while we reduce taxes for the overburdened American people who are just overtaxed, while we try to move our own citizens off welfare rolls and into productive jobs, that the State Department, the foreign aid bureaucracy and others learn to live on the same allocation appropriated by this Congress for fiscal year 1997.

Mr. Chairman, the gentleman from South Carolina [Mr. SANFORD] in my opinion offers a modest amendment, an amendment that will allow us to proceed even faster to balancing the budget and to giving tax relief to the American people. They are entitled to tax relief.

We keep hearing that we are drastically cutting back, that we are slashing this and slashing that and cutting this. This is not a cut. Some of us would agree to drastically and dramatically cutting, but that is not what this is. This merely freezes last year's levels.

□ 1145

American families go through this type of process, this decisionmaking process, when they have to set priorities all the time. They oftentimes freeze parts of their budget. This is what we ought to do.

It is a modest proposal. We ought to support it. I know the gentleman has already mentioned this early on, but we have had a lot of folks against this amendment for a while. There are a lot of very significant groups that favor this amendment, such as Women For Tax Reform, Citizens Against Government Waste, the National Taxpayers Union, Citizens For A Sound Economy, Americans For Tax Reform. These very pro-taxpayer groups support this amendment.

I would strongly urge my colleagues to support this amendment.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. CHABOT. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, there has been much talk about cuts, and as my colleague just pointed out, this amendment does not cut, it simply freezes. But with the conversations that have taken place, I would have thought there would be leaking roofs, walls falling in.

I want to suggest two places, in addition to again this being a freeze, where savings might come in. One, the State Department itself, as of October 1995, had a list of over 100 properties for potential sale valued at over $467 million. I want to say that again: $467 million. That would take care of, again, any of these shortfalls that have been suggested.

The other thing is a lot of the spending that is proposed in this bill, I mean, for instance, $178 million, we have to multiply these numbers by two; but $178 million for the International Tropical Timber Organization? How about $234,000 for the International Natural Rubber Study Organization? Or how about $134,000 for the International Hydrographic Organization? How about $203,000 for the International Cotton Advisory Study Group? Or $51,000 for the International Copper Study Group?

There are a host of places wherein we could come up with the savings that would keep our embassies doing what they ought to be doing.

Mr. CHABOT. Mr. Chairman, reclaiming my time, I urge my colleagues to support this very modest amendment. Many of us would be willing to go much further than this, and really think we should cut. This does not cut, it merely freezes at last year's levels.

Mr. WEXLER. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in opposition to the amendment and would like to speak to the aspect of the amendment that I believe cuts really close to the American people. Oftentimes when this Congress speaks about foreign affairs, many Americans do not perceive it as something that touches their lives in any concrete fashion.

One aspect of this amendment, I think, cuts very close to the people in my State, Florida, and in fact to the people of the United States. That is, maybe it is mundane, but that is the ability of Americans to obtain their passports and their visas in a timely manner.

In my community, if individuals need to get a passport in a fast fashion, they are likely to stand in line for 3 hours, 4 hours, 5 hours, sometimes over a couple of days. If there is an emergency, if there is a business need, a family need, oftentimes it will be very difficult to

accomplish that purpose of getting a visa or a passport in a quick fashion.

When this Government was shut down a year and a half ago, extraordinary havoc was created throughout Florida, and I can only imagine throughout the Nation, in the private sector by business people who could not conduct their business.

Now, in fairness, this amendment does not shut down Government, but what it does is it reduces the amount of opportunity, the ability of the State Department to improve their services with respect to Americans obtaining their passports and visas.

The sponsor of the amendment very eloquently spoke of his three little children and the tax burden that they will incur as they grow up. Well, I too, have three little children, but I would respectfully suggest that the manner in which all of America's children will have the ability to pay for our Government in the 21st century and pay for our obligations to our veterans and our senior citizens and our military forces and the obligation of what we call the American way of life, the manner in which we do that is not to stick our head in the sand and pretend that our opportunities cease at our borders; rather, I believe, it is common sense that the manner in which America's children will have the opportunities in the 21st century to pay for the kind of society we want is to increase our opportunities.

Increasing opportunities overseas means to have a very valid presence overseas. The way in which we increase our economic opportunities, our ability to travel, our ability to trade, our ability to make certain that there is peace rather than conflict is not by cutting money in today's budget, in today's bill, which has already been cut from the President's budget proposal; but rather it is to keep it where the President ultimately wanted.

To do otherwise, I believe, would be to defeat the exact purpose that the sponsor of the amendment seeks, and that is to make there be less of a burden on today's children for tomorrow.

Mr. KINGSTON. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I wanted to rise in strong support of the Sanford amendment to reduce this bill by $265 million, and I also wanted to respond to some of the previous comments.

We have been told that, if the Sanford amendment passes, America would be sticking our heads in the sands and withdrawing from our international responsibilities. Let me give my colleagues some numbers here. This is $265 million, a lot of money, Mr. Chairman. However, compare that with the overall amount of the bill, which is $6.3 billion. In addition, later on this year we will pass a foreign aid bill which will be approximately $12 billion, or somewhere thereabout. In addition to that, we will be spending around $260 billion on defense. Those are huge numbers.

Mr. Chairman, if I had long hair, this amendment is not even clipping off an inch or two of my long hair. What it does is it plucks out a few of the hairs out of my head. I will still have plenty of hair in my head with or without the Sanford amendment. But I would suggest and recommend strongly that we do have to clip, we do have to trim, because we are over $5 trillion in debt. That is what this is about. This is about trying to make the future good for our children by not enslaving them year after year from deficit spending and increasing the debt.

I want to give my colleagues three areas where we could find savings in this bill. No. 1, we spend hours, and we have already had two or three amendments on the United Nations. One of them talked about pulling America out of the United Nations, another asked for a study so they could find better ways to restructure. Yet, with this bill, we are increasing support for international organizations $68 million. That seems a little odd when we have so many Members who want to actually cut out spending.

We have heard that this amendment will cause a lot of the overseas real estate to go in disrepair and have roofs that leak. And yet, Mr. Chairman, we have already passed the Bachus amendment that moved to sell unnecessary real estate that should give us a 5-year savings of $109 million. Now, that is rather odd, Mr. Chairman, when we are told that this amendment would actually cripple our overseas real estate investment, because the bill itself calls for an increase of $389 million for the next 2 years, each year, for new real estate.

What is it we are trying to do? On the one hand we are trying to reduce, and on the other hand we are trying to expand. What this amendment does is it forces us to get our priorities right.

What is the third area? One of the reasons why most Members are ultimately going to support this bill is because it does consolidate and eliminate two agencies, the Arms Control Disarmament Agency and the U.S. Information Agency.

Now, as one who believes in smaller government, I am excited by this. I think it is very important to consolidate and eliminate duplicative agencies and commissions; and yet this, apparently, is not going to save any money. So why are we doing it; for window decoration? If we are not doing it for more efficiency, why are we doing it? And if we are doing it for inefficiency, is it not true that it will save money?

Mr. Chairman, if we are truthful and sincere about our desire to reduce the size of government and to consolidate and eliminate unnecessary agencies, certainly we are doing that with the implied goal of saving taxpayers' dollars.

The $265 million is a lot of money back in the First District of Georgia, as I am sure it is in all 435 congressional districts; but in terms of a bill that has a cost of over $6.3 billion, in terms of $260 billion in defense that we will be spending around the globe, in terms of $12 billion in foreign aid we will be spending, this $265 million is small and it is reasonable. But it is an important and symbolic first step toward fiscal responsibility.

Mr. Chairman, I urge Members to pass the Sanford amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the requisite number of words.

My colleagues, when we were in the State senate, we had a parliamentary provision in our rules that would allow us to divide the question on any issue. And when we had an amendment that involved a broad number of areas, we, as members of the State senate, could then make a motion to the chair to divide the issue.

While I respect the sponsors of this amendment, and I think that they are right in wanting to cut Federal Government spending and State Department spending, for the Congress to micromanage to this extent is wrong.

They ought to ask the question on individual amendments. They should ask me if I want to cut Embassy security. Of course, I do not want to cut Embassy security. Our Embassies need security. They need the protection and the money that provides that protection. So maybe we could extract this from the Sanford amendment, and maybe it would be more palatable to me.

They could ask me if I want to cut freedom broadcasting to Cuba. No, I do not want to cut freedom broadcasting to Cuba. So why do we not extract this, Mr. Chairman, from this amendment, and then maybe it would be more palatable to me.

Maybe we could say we want to cut environmental programs along the gulf, the United States-Mexican border. I do not want to do that. There are some parts of the gentleman's measure that I like, but this micromanaging by the Congress is just wrong.

We cannot dictate to the administrative branch of Government everything. We are going to give them an amount of money and we are going to tell them to spend this money judiciously and spend it in such a manner as it is not wasted. So while I respect the gentleman, and I would like to be able to support the philosophy of what he is trying to do, I think that this type of micromanagement is totally wrong.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. CALLAHAN. I yield to the gentleman from South Carolina.

Mr. SANFORD. Mr. Chairman, I would say to the gentleman that my understanding is that the Congress is in charge of the pursestrings of this Nation and that, therefore, this is the kind of micromanaging the taxpayers would expect of us.

Mr. CALLAHAN. Well, Mr. Chairman, reclaiming my time, I understand what the gentleman is saying, but I do not think we can start dictating to the administrative branch of Government, to the State Department that they ought to have blue carpets in their Embassies; we should not have an amendment that says no Embassy can be painted brown or pink.

We ought to recognize that the Constitution gives foreign policy responsibility to the administrative branch of Government. We do hold the pursestrings. I am chairman of the committee that appropriates the money to the State Department for foreign policy, and the chairman here today is the chairman of the committee that handles the State Department affairs, such as most of these things address.

Mr. SANFORD. Mr. Chairman, if the gentleman would be so kind as to continue to yield, the gentleman is precisely right, and that is why this amendment does not attempt to micromanage where any of this money should come from. All it does is freeze at 1997 levels.

Mr. CALLAHAN. I understand that, but, at the same time, this committee, the Committee on International Relations, has gone through hours and hours of hearings trying to draft a bill. Does the gentleman think they do not care about the same things he cares about? Does the gentleman think they just overlooked this or they are trying to give the administration the ability to spend this money in a reckless fashion? Of course they are not.

□ 1200

Mr. SANFORD. I am on that committee and that is why I am offering it.

Mr. CALLAHAN. And my colleagues should have argued these points in the committee where they have the time, where they have the ability, even giving the administration the authority to come in and to tell them what is wrong with these proposals. These feel-good, look-good amendments are wrong.

I think that it sounds good to be able to go back to our districts and say, we introduced this resolution on this amendment to this bill that was going to do these certain things. But in my opinion, and it is in all respect, and certainly my colleague is in a position, being on the Committee on International Relations, to have input, to talk to his colleagues on the subcommittee and on the full Committee on International Relations and to try to either put it in report language or suggest that the sense of the Congress is this.

But for us to begin amending this bill, telling the administration what they are going to spend their money on, what time of day the ambassadors are going to get up, in my opinion, is absolutely wrong. So I respectfully request that my colleagues recognize that we cannot micromanage to this extent and that they vote against the Sanford amendment.

Mr. MORAN of Virginia. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in opposition to this amendment. This amendment is counterproductive, and, in fact, in many ways it is un-American, because we are the world's leader economically, we are the world's leader in terms of setting social trends, we are the world's leader in terms of showing the wisdom and maturity that the rest of the world expects from us and this amendment weakens our leadership capacity.

To cut the State Department is an implication that they are not doing their job. But is not the proof in the pudding? Is not the proof of whether they are doing their job the view that other countries have of us, the extent to which they look to us for guidance, not just in terms of military judgments but more importantly, in terms of the economic judgments that open up markets for our free enterprise system and our competitively priced products.

We are now in a global economy, a global economy in which the United States has the major stake. In fact, the United States has the greatest interest in this global economy because we have the most productive capacity right now for what the rest of the world wants. We do not have enough of a market within our country to maintain the economic growth that we depend upon for our quality of life, so we need to expand market opportunities around the world.

To do so, it will not be the U.S. Government that is going to be investing the majority of resources, it is not U.S. Government personnel who will be directly responsible for accomplishing this national objective. It is the private sector. It is corporations, it is individual entrepreneurs. But they desperately need people in foreign countries, in our embassies that know the country, that can bail them out of problems that they might encounter, that in fact will represent our economic interests in a mature, in a responsible, and in a professional manner.

That is the job of the State Department. They do it very well. They do not do it as well as they should be able to do it today, because we have cut 3,000 people already out of the State Department. If my colleagues want to find out what the effect of that is, they do not have to go to the families of State Department personnel who may have lost their jobs or may have retired early, but go to the executives of our corporations who are involved in international trade and they will tell you they need more help in American embassies, they need more consulates, they need a State Department that is growing at the pace that our economy is growing, they need a State Department that realizes the importance of the global economy and realizes the importance of American leadership within international economies.

How counterproductive could we be to cripple this essential agency of American interests, these committed professionals who are doing the job that we depend upon? I just cannot imagine that Congress would go along with this shortsighted view. But beyond the economic considerations, think of the hundreds of thousands of young Americans who have died in wars, some wars that could have been ended earlier, some wars that never should have begun. We owe it to them to make sure that we avoid that kind of bloodshed in the future, to make sure we avoid those diplomatic failures, to make sure, in fact, that the 21st century is a time of peace and prosperity.

And as important as the Defense Department is, it is not the Defense Department that is going to achieve that goal to the extent that the State Department will be able to achieve it if they have adequate resources. Because knowledge leads to understanding, which leads to respect, which leads to appreciation, which leads to friendship. And it is that global friendship that serves our national interests and will serve the interests of our children and our grandchildren who otherwise may have to risk their lives because of failed diplomacy.

We cannot afford failed diplomacy. We cannot afford not to have the professionals, the people who are dedicated to American ideals in other countries around the world. Why we would cut the State Department more after we have already cut it so badly is beyond me and I hope far beyond the wisdom of this Congress.

So, Mr. Chairman, I would urge my colleagues in this body to support the peace and prosperity that is a direct result of global economic interpendency and vote "no" on the Sanford amendment—and to do so overwhelmingly.

Mr. HAMILTON. Mr. Chairman, I move to strike the requisite number of words, and I oppose the amendment.

Mr. Chairman, I stand in opposition to the Sanford amendment. I want to make several points about it. The first point is that the Sanford amendment is not a cut in the foreign aid budget. There is virtually no foreign aid money in the bill that we are now considering. It is a bill that reauthorizes the State Department.

I know how attractive it is on this floor to support cuts in foreign aid, but I want Members to be very clear that we are not voting here on a foreign aid cut, we are voting with respect to a cut in the State Department authorization bill. What that means is that the cut is aimed at our diplomats and their ability to do their work abroad. That is the first point.

Second, I think the amendment to cut the State Department authorization bill has to be put in some context, and that context simply is that we have had too many cuts already in the so-called 150, or international, account. The international affairs budget has been cut by 30 percent, 37 percent in real terms, since 1986; and as has been mentioned on the floor, in the past 2 years, the funding has been cut by 14 percent.

Now, all of our professional diplomats that I am acquainted with, and I am going to cite some personally in just a moment, believe that these cuts have now begun to harm our ability to conduct foreign policy in a lot of different ways. They cut the diplomatic infrastructure that is crumbling due to funding cuts, which have prevented us from modernizing and maintaining our buildings, making it very difficult for our diplomats to do their exceedingly important work.

It has become increasingly hard to maintain the level of consular services American people deserve overseas. And I suspect there are very few congressional offices that do not deal on a daily basis with demands for consular service from our diplomats. And we have accumulated more than $1 billion in arrears to international organizations, and that undermines our ability to lead in the world and impedes our ability to get multilateral institutions to follow our aid.

The point, simply, is that I do not think that the Sanford amendment can be taken in isolation, it has to be seen in the context of very sharp cuts in the international account over a period of a good many years.

The third point to make is, and this goes directly to the amendment, is I simply think that the State Department cuts that are proposed by the Sanford amendment are much too deep. The bill when it came to the floor already cut the President's request by $200 million. We have adopted on this floor additional cuts of roughly $136 million; and along comes Sanford, which is a $225 million cut.

If we add all of this up together, what we are doing is we are cutting about half a billion dollars from the President's request. So this is not just a freeze. I know the gentleman from South Carolina [Mr. SANFORD] intends this to be a freeze. And if we look at his amendment itself, that is what he is seeking to do, to freeze the level of spending. But if we put it into the context of cuts that have already been adopted on the floor and cuts adopted in the committee, then we have got a very, very substantial whack here out of the President's request.

Now, I must say that I think we have to pay some attention to our top diplomats here. They are the ones who we put out on the front line to try to carry the burden of conducting American foreign policy abroad. What is striking here is that every single one of them in recent years, Republican or Democrat, has said to us that we need to maintain the State Department account.

The chairman has a letter signed by Henry Kissinger and George Shultz and Alexander Haig and James Baker and Lawrence Eagleberger and Gen. Colin Powell and Brent Scowcroft. All of those served with great distinction in the Republican administrations, and all of them believe that we have to maintain the level of funding that was reported in the committee bill.

I know that committee bill is not before us, but they want that level of funding and that means they would be in opposition to the Sanford amendment. Add to those names the present Secretary of State, who has been extremely forceful in urging that this 150 account not be cut, add to those names her predecessor, Warren Christopher, and what you have is every single Secretary of State in the past dozens of years, in addition to some of the national security advisers, all urging us to maintain this level of funding, not to freeze it, not to cut it half a billion dollars.

So I would urge my colleagues here to pay respect to our professional Secretaries of State who have urged adequate funding, and to oppose the Sanford amendment, which not only does it cut but it also undermines the budget agreement which we adopted on this floor just days ago by an overwhelming vote. I urge a vote in opposition to the Sanford amendment.

Mr. TAYLOR of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I abhor excessive Government spending as much as anyone and, as a member of the Committee on Appropriations, try to take that position. I also support many of the things that my good friend, the gentleman from South Carolina [Mr. SANFORD] supports. I think his outreach to cut spending in all areas of Government is certainly prudent. I cannot defend the State Department on every expenditure or everything it does. I have watched it do many foolish things over the years, as we have all in this body. But I have to oppose this amendment because it is the wrong amendment in the wrong place.

This authorization bill will go to the Appropriations Subcommittee. I would advise and invite my colleague, as a member of that subcommittee, to come in and let us look at areas where there might be savings, where there might be opportunities to cut waste, and then deliberately take those one piece at a time if clear explanations are not there for the expenditures.

But to arbitrarily cut this much money from the State Department's budget at this time would do exactly what the gentleman from New York [Mr. GILMAN] has indicated and said clearly it would do. It would create cuts in our security at Embassies. It could cut vital expansions of Embassies in areas, for instance, such as Russia; badly in Russia. We need a country with 11 time zones, a country with an enormous amount of work to do to the projected market system, to convince them to continue along the ways of the market system and freedom. We need to be putting more and more information and communication there.

□ 1215

We need to have availability for their members, for their citizens to be able to come to the United States for both business opportunities as well as educational opportunities. We need to have opportunities for our citizens to travel in Russia. That is just one part of the world that is changing dramatically where we need more communication, where we need more representation rather than less.

As we try to project our message through Radio Free Asia or the broadcasting to Cuba or any of the other areas where we are trying to project our point of view, as we try to expand services for the new countries that have been under totalitarian control and are now allowing their citizens to travel and to come out and see what is happening in the free world, we need to be expanding our efforts in these areas. There are opportunities to save, but across-the-board cuts such as this would not be beneficial to any of the efforts for freedom in this country.

Mr. SANFORD. Mr. Chairman, will the gentleman yield?

Mr. TAYLOR of North Carolina. I yield to the gentleman from South Carolina.

Mr. SANFORD. My only question for the gentleman would be, does he think that there might be 3 percent or just shy of 3 percent of waste within the State Department?

Mr. TAYLOR of North Carolina. It would be difficult without reviewing the entire bill to see. It may be, more than a cut, it may be a shift in resources might be needed more than a cut itself.

Mr. SANFORD. This amendment would leave it up to you all basically to decide on how those resources might shift. All it does is freeze and prevent in essence a 3-percent increase.

Mr. TAYLOR of North Carolina. It would mandate, though, if the need were there, it would restrict us in a

way that we would not have the freedom of making that decision. If it was not a question of shifting or if we needed more resources in areas as we mentioned a moment ago, either to project our message across the world or to increase our representation in countries such as Russia, it would limit us from doing that.

I would urge, rather than a broad cut, come sit with us in the meetings and work toward seeing which areas could be changed, rather than locking the hands of the appropriators and the authorizers, for that matter, in any further deliberation by a direct freeze at this time.

Mr. GILMAN. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I rise in reluctant opposition to the amendment proposed by the gentleman from South Carolina [Mr. SANFORD] who is a distinguished member of our Committee on International Relations.

Mr. Chairman, the funding in this bill is already below the levels set by the gentleman from Ohio [Mr. KASICH] in the budget adopted by this House. The Sanford amendment would result in cuts to a number of key programs, such as cuts in Embassy security and Embassy renovations. It would cut Radio Free Asia which the Speaker has strongly supported. It would cut freedom broadcasting to Cuba, and refugee protection. It would result in cuts to human rights programs for the oppressed people in Tibet, in Burma, and East Timor. Also affected by the cuts in the Sanford proposal would be United States-Mexico border environmental programs, the United States Embassy construction in Jerusalem, and programs to end child labor abuses. The Sanford amendment will cut all of these programs.

I reiterate, funding on this bill is below the Kasich budget resolution. This bill is part of a plan to balance the budget. Our budget chairman, the gentleman from Ohio [Mr. KASICH], supports the bill in its current form. I will also note that the gentleman from Louisiana [Mr. LIVINGSTON], the distinguished chairman of the Committee on Appropriations, the gentleman from Kentucky [Mr. ROGERS], the distinguished chairman of the Subcommittee on Commerce, Justice, State, and Judiciary of the Committee on Appropriations, the gentleman from Alabama [Mr. CALLAHAN], the distinguished chairman of the Subcommittee on Foreign Operations, Export Financing and Related Programs of the Committee on Appropriations, are all united in opposition to the Sanford amendment. This amendment breaks the budget deal negotiated by the gentleman from Ohio [Mr. KASICH] which is strongly backed by the leadership.

Accordingly, Mr. Chairman, I urge our colleagues to defeat the Sanford amendment.

The CHAIRMAN pro tempore (Mr. ROGERS). The question is on the amendment offered by the gentleman from South Carolina [Mr. SANFORD].

The question was taken; and the Chairman pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SANFORD. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 163, noes 261, not voting 10, as follows:

[Roll No. 179]

AYES—163

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bilirakis
Blunt
Boehner
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Camp
Campbell
Cannon
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeFazio
DeLay
Dickey
Doggett
Doolittle
Dreier
Duncan
Emerson
English
Ensign
Everett
Foley
Fowler
Ganske
Gekas
Gibbons
Goode
Goodlatte
Goodling
Graham
Granger
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson, Sam
Jones
Kim
Kingston
Klug
Largent
Lewis (KY)
Lucas
Luther
Manzullo
McCarthy (MO)
McIntosh
McKeon
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Norwood
Nussle
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pombo
Portman
Pryce (OH)
Radanovich
Ramstad
Riggs
Riley
Roemer
Rogan
Rohrabacher
Royce
Ryun
Salmon
Sanford
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shuster
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Weldon (FL)
Weldon (PA)
White
Whitfield
Wicker
Young (AK)
Young (FL)

NOES—261

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barcia
Barrett (WI)
Bateman
Becerra
Bentsen
Bereuter
Berman
Berry
Bilbray
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonilla
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Buyer
Callahan
Calvert
Canady
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Conyers
Cooksey
Costello
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Dooley
Doyle
Dunn
Edwards
Ehlers
Ehrlich
Engel
Eshoo
Etheridge
Evans
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Ford
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gejdenson
Gephardt
Gilchrest
Gillmor
Gilman
Gonzalez
Gordon
Goss
Green
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Holden
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
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
Maloney (CT)
Maloney (NY)
Manton
Markey
Martinez
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pitts
Pomeroy
Porter
Poshard
Price (NC)
Quinn
Rahall
Rangel
Redmond
Regula
Reyes
Rivers
Rodriguez
Rogers
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Scott
Serrano
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (OR)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (NC)
Thomas
Thompson
Thurman
Tierney
Torres
Turner
Velázquez
Vento
Visclosky
Walsh
Waters
Watt (NC)
Watts (OK)
Waxman
Weller
Wexler
Weygand
Wise
Wolf
Woolsey
Wynn
Yates

NOT VOTING—10

Farr
Flake
Forbes
Greenwood
Molinari
Scarborough
Schiff
Smith (MI)
Smith (TX)
Towns

□ 1240

Messrs. ALLEN, WELLER, and SHIMKUS, and Ms. SANCHEZ changed their vote from "aye" to "no."

Messrs. BURTON of Indiana, HYDE, and KIM changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENTS EN BLOC OFFERED BY MR. GILMAN

Mr. GILMAN. Mr. Chairman, I offer amendments en bloc.

The CHAIRMAN pro tempore (Mr. GOODLATTE). The Chair would inquire of the gentleman from Indiana [Mr. HAMILTON] if he concurs in the offering of this en bloc amendments?

Mr. HAMILTON. I do, Mr. Chairman.

The CHAIRMAN pro tempore. The Clerk will designate the amendments en bloc.

The text of the amendments en bloc is as follows:

Amendments en bloc offered by Mr. GILMAN:

Strike division A and insert the following (and amend the table of contents accordingly):

DIVISION A—CONSOLIDATION AND REINVENTION OF FOREIGN AFFAIRS AGENCIES

TITLE I—GENERAL PROVISIONS

SEC. 101. SHORT TITLE.

This division may be cited as the "Foreign Affairs Agencies Consolidation and Reinvention Act of 1997".

SEC. 102. CONGRESSIONAL FINDINGS.

Congress makes the following findings:

(1) With the end of the Cold War, the international challenges facing the United States have changed, but the fundamental national interests of the United States have not. The security, economic, and humanitarian interests of the United States require continued American engagement in international affairs. The leading role of the United States in world affairs will be as important in the twenty-first century as it has been in the twentieth.

(2) In this context, the United States has a historic opportunity to continue the reinvention of the agencies primarily responsible for implementing the Nation's foreign policies.

(3) The United States budget deficit and the agreement to come to a balanced budget over 5 years requires that the foreign as well as the domestic programs and activities of the United States be carefully reviewed. Wherever possible, foreign programs and activities must be streamlined, managed more efficiently, and adapted to the requirements of the post-Cold War era.

(4) In order to streamline the foreign programs and activities of the United States without jeopardizing United States interests, strong and effective leadership will be required. In order to promote this streamlining process, the proliferation of foreign affairs agencies that occurred during the Cold War must be reversed by reinventing, streamlining, and reorganizing the foreign affairs structure under the strengthened leadership of the Secretary of State.

(5) The continuing reinvention, streamlining, and reorganization of the foreign affairs agencies, the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the United States Agency for International Development, must ensure that these agencies can effectively confront the new and pressing challenges of the post-Cold War world.

(6) Any reinvention, streamlining, and reorganization of the foreign affairs agencies must recognize the fact that arms control and nonproliferation, sustainable development, and public diplomacy are now more central than ever to the success of the United States foreign policy. Any integration of these agencies should preserve the unique skills and capabilities of each of the agencies in a reinvented Department of State.

(7) A reinvented, streamlined, reorganized, and more flexible foreign affairs structure under the strengthened leadership of the Secretary of State can more effectively promote the international interests of the United States and enhance the United States' ability to meet the growing foreign policy challenges during the next century.

(8) The new foreign affairs structure should be one that will maintain the quality of and strengthen the public diplomacy and arms control functions now performed by the United States Information Agency and the Arms Control and Disarmament Agency.

SEC. 103. PURPOSES.

The purposes of this division are—

(1) to provide for the streamlining and reinvention of the Department of State to enable it better to incorporate additional functions and agencies, manage new responsibilities, make the Department more effective, maximize the efficient use of resources, and make it better able to defend American interests and promote American values abroad;

(2) to consolidate and integrate certain agencies and certain functions of other agencies of the United States into the reinvented Department of State;

(3) to ensure that the United States maintains adequate representation abroad within available budgetary resources;

(4) to ensure that programs critical to the promotion of United States interests be maintained; and

(5) to strengthen—

(A) the coordination of United States foreign policy; and

(B) the leading role of the Secretary of State in the formulation and articulation of United States foreign policy.

SEC. 104. DEFINITIONS.

The following terms have the following meanings for the purposes of this division:

(1) The term "ACDA" means the United States Arms Control and Disarmament Agency.

(2) The term "agency" means the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the Agency for International Development.

(3) The term "AID" means the Agency for International Development.

(4) The term "Department" means the Department of State.

(5) The term "officer" is not limited by the meaning of such term under section 2104 of title 5, United States Code.

(6) The term "reorganization" means integration, transfer, consolidation, coordination, authorization, or abolition.

(7) The term "Secretary" means the Secretary of State.

(8) The term "USIA" means the United States Information Agency.

TITLE II—PLAN FOR CONSOLIDATING, STREAMLINING, AND REORGANIZING THE FOREIGN AFFAIRS AGENCIES

SEC. 201. REORGANIZATION PLAN.

(a) REORGANIZATION AUTHORITY.—

(1) IN GENERAL.—No later than 60 days after the date of the enactment of this Act, the President shall submit to the Congress a reorganization plan for the foreign affairs agencies specifying, in accordance with titles III through VI of this division, the reorganization of the Department of State, the Arms Control and Disarmament Agency, the United States Information Agency, the International Development Cooperation Agency, and the Agency for International Development.

(2) MANDATORY ELEMENTS.—The plan shall provide for—

(A) the transfer of the whole or a part of agencies, or of the whole or a part of the functions thereof, to the jurisdiction and control of the Department of State; and

(B) the consolidation or coordination of the whole or a part of agencies, or of the whole or a part of the functions thereof, with the whole or a part of another agency or the functions thereof.

(3) DISCRETIONARY ELEMENTS.—The plan may provide for—

(A) the abolition of all or a part of the functions of an agency, except that no enforcement function or statutory program shall be abolished by the plan; and

(B) the consolidation or coordination of a part of an agency or the functions thereof with another part of the same agency or the functions thereof.

(b) SUBMISSION OF PLAN.—

(1) IN GENERAL.—The President shall submit the reorganization plan for the foreign affairs agencies under subsection (a) to both Houses of Congress on the same day and to each House while it is in session. If on the date that is 60 days after the date of the enactment of this Act, the plan has not been submitted and either House is not in session, the plan shall be submitted on the first day thereafter when both Houses are in session.

(2) INFORMATION REGARDING IMPLEMENTATION.—The message of the President, submitted together with the reorganization plan, shall include information regarding implementation of the plan which shall—

(A) describe in detail—

(i) the actions necessary or planned to complete the reorganization,

(ii) the anticipated nature and substance of any orders, directives, and other administrative and operational actions which are expected to be required for completing or implementing the reorganization, and

(iii) any preliminary actions which have been taken in the implementation process, and

(B) contain a projected timetable for completion of the implementation process.

The President shall also provide such further background or other information as the Congress may require for its consideration of the plan.

(c) AMENDMENT OF PLAN.—During the 60 calendar-day period after the date on which the plan is submitted to the Congress, the President may transmit to the Congress amendments or modifications to the plan, consistent with this division, which shall be considered as though submitted together with the reorganization plan and shall not affect any effective date or deadline under this division.

SEC. 202. CONTENTS OF REORGANIZATION PLAN.

(a) CONTENTS.—A reorganization plan for the foreign affairs agencies submitted under section 201 of this title—

(1) notwithstanding section 1 of the State Department Basic Authorities Act of 1956, may provide for the appointment and pay of one or more officers of any agency, including appointment of additional Under Secretaries and Assistant Secretaries (except that the total number may not exceed the total number of officers previously authorized at Executive Schedule levels III and IV of the agencies subject to this division), if the President determines, and in the President's message submitting the plan declares that, by reason of a reorganization made by the plan, the provisions are necessary;

(2) shall provide for the transfer or other disposition of the records, property, and personnel affected by a reorganization;

(3) shall provide for the transfer of such unexpended balances of appropriations, and of other funds, available for use in connection with a function or agency affected by a reorganization, as the President considers necessary by reason of the reorganization for use in connection with the functions affected by the reorganization, or for the use of the agency which shall have the functions after the reorganization plan is effective; and

(4) shall provide for terminating the affairs of an agency abolished.

(b) TRANSFERS OF OFFICIALS.—If the reorganization plan for the foreign affairs agencies under section 201 contains provisions pursuant to subsection (a)(1) of this section, an individual holding office immediately prior to the abolition or transfer of the office by this division who was appointed to the office by the President, by and with the advice and consent of the Senate, and who performs duties substantially similar to the duties of an office proposed to be created under such plan, may, in the discretion of the Secretary of State, assume the duties of such new office, and shall not be required to be reappointed by reason of the abolition or transfer of the individual's previous office.

(c) LIMITATION ON TRANSFERS OF UNEXPENDED BALANCES.—The reorganization plan for the foreign affairs agencies may provide for the transfer of unexpended balances pursuant to subsection (a)(3) only if such balances are used for the purposes for which the appropriation was originally made or for the purpose of reorganization.

SEC. 203. LIMITATION ON POWERS.

The reorganization plan for the foreign affairs agencies submitted under this title may not provide for, and a reorganization under this title may not have the effect of—

(1) creating a new executive department, renaming an existing executive department, or abolishing or transferring an executive department or all the functions thereof;

(2) authorizing an agency to exercise a function which is not expressly authorized by law at the time the plan is submitted to Congress; or

(3) creating a new agency which is not a component or part of an existing agency.

SEC. 204. EFFECTIVE DATE AND PUBLICATION OF REORGANIZATION PLAN FOR THE FOREIGN AFFAIRS AGENCIES.

(a) EFFECTIVE DATE.—A reorganization plan for the foreign affairs agencies submitted pursuant to section 201 shall become effective in accordance with titles III through VI of this Division, on the effective date specified in each such title with respect to the agency or agencies subject to each such title.

(b) PUBLICATION.—A reorganization plan for the foreign affairs agencies which is effective shall be printed (1) in the Statutes at Large, and (2) in the Federal Register.

(c) AUTHORITY PRIOR TO EFFECTIVE DATE.—Notwithstanding subsection (a), the reorganization plan for the foreign affairs agencies submitted pursuant to section 201 may provide for the transfer of the whole or part of functions prior to the effective dates established in titles II through VI, including the transfer of personnel and funds associated with such functions.

TITLE III—UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 301. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States Arms Control and Disarmament Agency pursuant to the reorganization plan described in section 201.

CHAPTER 2—ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY AND TRANSFER OF FUNCTIONS

SEC. 311. ABOLITION OF UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

The United States Arms Control and Disarmament Agency is abolished.

SEC. 312. TRANSFER OF FUNCTIONS TO SECRETARY OF STATE.

There are transferred to the Secretary of State all functions of the Director of the United States Arms Control and Disarmament Agency and all functions of the United States Arms Control and Disarmament Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

SEC. 313. UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.

(a) ESTABLISHMENT OF UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—Section 1 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a) is amended in subsection (b)—

(1) by striking "There" and inserting the following:

"(1) IN GENERAL.—There"; and

(2) by adding at the end the following:

"(2) UNDER SECRETARY FOR ARMS CONTROL AND INTERNATIONAL SECURITY.—There shall be in the Department of State, among the Under Secretaries authorized by paragraph (1), an Under Secretary for Arms Control and International Security who shall, among other duties, assist the Secretary and the Deputy Secretary in matters related to arms control and international security policy.".

(b) PARTICIPATION IN MEETINGS OF NATIONAL SECURITY COUNCIL.—Section 101 of the National Security Act of 1947 (50 U.S.C. 402) is amended by adding at the end the following new subsection:

"(i) The Under Secretary for Arms Control and International Security may, in the role of advisor to the National Security Council on arms control, nonproliferation, and disarmament matters, and subject to the direction of the President, attend and participate in meetings of the National Security Council.".

SEC. 314. REPEAL RELATING TO INSPECTOR GENERAL FOR UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY.

Section 50 of the Arms Control and Disarmament Act (22 U.S.C. 2593a), relating to the ACDA Inspector General, is repealed.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 321. REFERENCES.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Arms Control and Disarmament Agency, or any other officer or employee of the United States Arms Control and Disarmament Agency, shall be deemed to refer to the Secretary of State; and

(2) the United States Arms Control and Disarmament Agency shall be deemed to refer to the Department of State.

TITLE IV—UNITED STATES INFORMATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 401. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of abolition of the United States Information Agency pursuant to the reorganization plan described in section 201.

CHAPTER 2—ABOLITION OF UNITED STATES INFORMATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 411. ABOLITION OF UNITED STATES INFORMATION AGENCY.

The United States Information Agency is abolished.

SEC. 412. TRANSFER OF FUNCTIONS.

(a) TRANSFER TO SECRETARY OF STATE.—There are transferred to the Secretary of State all functions of the Director of the United States Information Agency and all functions of the United States Information Agency and any office or component of such agency under any statute, reorganization plan, Executive order, or other provision of law as of the day before the effective date of this title, except as otherwise provided in this division.

(b) PRESERVING THE INDEPENDENCE OF INTERNATIONAL BROADCASTING.—The Broadcasting Board of Governors and the Director of the International Broadcasting Bureau shall continue to have the responsibilities set forth in title III of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6201 et seq.), except that, as further set forth in chapter 3 of this title, references in that Act to the United States Information Agency shall be deemed to refer to the Department of State, and references to the Director of the United States Information Agency shall be deemed to refer to the Secretary of the State.

SEC. 413. UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY.

Section 1(b) of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a(b) is amended—

(1) by inserting "(1) before "There"; and

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

"(2) UNDER SECRETARY FOR PUBLIC DIPLOMACY.—There shall be in the Department of State, in addition to the Under Secretaries authorized by paragraph (1), an Under Secretary for Public Diplomacy who shall have responsibility, among other duties, to assist the Secretary and the Deputy Secretary in matters related to United States public diplomacy policies and programs, including international educational and cultural exchange programs, information, and international broadcasting.

CHAPTER 3—CONFORMING AMENDMENTS

SEC. 421. REFERENCES IN LAW.

Any reference in any statute, reorganization plan, Executive order, regulation, agreement, determination, or other official document or proceeding to—

(1) the Director of the United States Information Agency or the Director of the International Communication Agency shall be deemed to refer to the Secretary of State; and

(2) the United States Information Agency, USIA, or the International Communication Agency shall be deemed to refer to the Department of State.

SEC. 422. APPLICATION OF CERTAIN LAWS.

(a) APPLICATION TO FUNCTIONS OF DEPARTMENT OF STATE.—Section 501 of Public Law

80–402 section 202 of Public Law 95–426, and section 208 of Public Law 99–93 shall not apply to public affairs and other information dissemination functions of the Secretary of State as carried out prior to any transfer of functions pursuant to this division.

(b) APPLICATION TO FUNCTIONS TRANSFERRED TO DEPARTMENT OF STATE.—Section 501 of Public Law 80–402, section 202 of Public Law 95–426, and section 208 of Public Law 99–93 shall apply only to overseas public diplomacy programs of the Director of the United States Information Agency as carried out prior to any transfer of functions pursuant to this division.

TITLE V—UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY

CHAPTER 1—GENERAL PROVISIONS

SEC. 501. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1998; or

(2) the date of abolition of the United States International Development Cooperation Agency pursuant to the reorganization plan described in section 201.

CHAPTER 2—ABOLITION OF INTERNATIONAL DEVELOPMENT COOPERATION AGENCY AND TRANSFER OF FUNCTIONS

SEC. 511. ABOLITION OF UNITED STATES INTERNATIONAL DEVELOPMENT COOPERATION AGENCY.

(a) IN GENERAL.—The United States International Development Cooperation Agency is abolished.

(b) AID AND OPIC.—Subsection (a) shall not be interpreted to apply to the Agency for International Development (AID) or the Overseas Private Investment Corporation (OPIC).

SEC. 512. TRANSFER OF FUNCTIONS.

The reorganization plan submitted pursuant to section 201 shall provide for the transfer to another agency or agencies of all functions of the Director of the United States International Development Cooperation Agency and all functions of the United States International Development Cooperation Agency and any office or component of such agencies under any statute, reorganization plan, Executive order, or other provision of law before the effective date of this title, except as otherwise provided in this division.

TITLE VI—AGENCY FOR INTERNATIONAL DEVELOPMENT

CHAPTER 1—GENERAL PROVISIONS

SEC. 601. EFFECTIVE DATE.

This title, and the amendments made by this title, shall take effect on the earlier of—

(1) October 1, 1999; or

(2) the date of reorganization of the Agency for International Development pursuant to the reorganization plan described in section 201.

CHAPTER 2—REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT AND TRANSFER OF FUNCTIONS

SEC. 611. REORGANIZATION OF AGENCY FOR INTERNATIONAL DEVELOPMENT.

(a) IN GENERAL.—The Agency for International Development shall be reorganized in accordance with this division and the reorganization plan submitted pursuant to section 201.

(b) AUTHORITY OF THE SECRETARY OF STATE.—The Agency for International Development shall report to and be under the direct authority and foreign policy guidance of the Secretary of State.

(c) FUNCTIONS TO BE TRANSFERRED.—The reorganization of the Agency for International Development shall provide, at a minimum, for the transfer to and consolidation with the Department of State of the following functions of the agency:

(1) Press office.

(2) Certain administrative functions.

Strike section 1303 and insert the following:

SEC. 1303. PERSONNEL MANAGEMENT.

The official with primary responsibility for matters relating to personnel in the Department of State, or that person's principal deputy, shall have substantial professional qualifications in the field of human resource policy and management.

Strike section 1304 and insert the following:

SEC. 1304. DIPLOMATIC SECRETARY.

Any Assistant Secretary with primary responsibility for diplomatic security, or that person's principal deputy, shall have substantial professional qualifications in the fields of (1) management, and (2) Federal law enforcement, intelligence, or security.

Strike section 1306.

Strike section 1707.

Mr. GILMAN. Mr. Chairman, I am pleased to offer this en bloc amendment which represents a bipartisan agreement with the administration on how to implement the contentious issue of reorganizing and streamlining our Nation's foreign affairs agencies. This bipartisan agreement is the result of lengthy hours of negotiation, and I want to stress to my Republican colleagues that we have not capitulated on any of the key issues of concern to all of us. This bill still eliminates two agencies, and it does so under a strict timetable that will not permit the abolition of agencies to be indefinitely postponed.

Specifically, Mr. Chairman, this amendment mandates that the Arms Control and Disarmament Agency and the International Development Cooperation Agency will be abolished by no later than October 1, 1998. It further mandates that the U.S. Information Agency will be abolished and the Agency for International Development will be partially folded into the State Department by no later than October 1, 1999. There is no waiver, no escape clause, no smoke and mirrors. The agencies will be abolished.

While the October 1 date we have agreed to is 45 days later in each case than initially proposed, the 45 additional days for these agencies is not too great a price to pay for what we have achieved. The critical point is that the initial administration proposal on reorganization provided for neither the mandatory abolition of agencies nor a definite ending by which consolidation had to occur.

□ 1345

The agreement we have reached is not only a good agreement, but it will also enable us to move toward conference with solid, bipartisan support for this bill.

Accordingly, Mr. Chairman, I urge all of my colleagues to fully support this en bloc amendment.

Mr. HAMILTON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of the amendment, en bloc amendment offered by the gentleman from New York [Mr. GILMAN], chairman of the committee. I think it changes very dramatically the underlying language of the bill on reorganization of U.S. foreign affairs agencies. I certainly want to commend the chairman of the committee and his staff and those in the State Department who worked very assiduously in the last few days and hours to reach an agreement on this amendment. All of them need to be complimented for their work and their diligence and for the work product they have produced.

I think this amendment is now very close to the language of the amendment I originally proposed a few days ago, which the administration also supported. The key point is that this amendment now permits the President to have the kind of flexibility he needs to get the reorganization job done. I think the Chairman's amendment builds in some tight deadlines and other requirements that helps to ensure that the President will follow through on his commitments to reorganize in a timely manner.

I believe, as I said earlier, that the President is entitled to organize the executive branch as he sees fit without micromanagement from the Congress. The President has made the commitment to consolidate and to reorganize the foreign affairs agencies, and we need to make sure he has the tools to carry out that commitment. This amendment provides the President with those tools and allows Congress to focus more on results, less on structure.

So I strongly urge the support and adoption of this amendment.

Mr. CALLAHAN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise today in support of the bill being managed by the gentleman from New York [Mr. GILMAN], my good friend, and by the gentleman from Indiana [Mr. HAMILTON]. I believe it is a good bill and I believe this en bloc amendment is going to be a pretty good amendment.

At the same time, Mr. Chairman, I want to take this opportunity to address my colleagues and to address both the chairman and the ranking member of the subcommittee. I support, for example, any increase in the efficiency of government. However, someday I would like to take the opportunity to call Bill Rehnquist of the Supreme Court and ask him to come across the street and have a conference

with Members of Congress and give us a basic lesson in civics, and that is the Constitution gives foreign policy to the administrative branch of government.

Mr. Chairman, I did not vote for Bill Clinton, but the American people, the majority of them, did vote for him, and we elected him. They elected him to lead foreign policy. For the Congress to continue to try to micromanage the administrative branch of government to the extent that they are telling them, as I mentioned earlier today, what color to paint their embassies is absolutely wrong.

I know that this particular reorganizational effort that is in this en bloc amendment has had a lot of hearing in the Committee on International Relations, and I commend my colleagues for that. I know that there has been a lot of compromise that has taken place in the last few hours regarding some perfecting amendments to the amendment offered by the gentleman from New York, and I applaud that.

But for us today to tell the administration how they are going to reorganize I think is absolutely wrong. If we want to tell them to reorganize, that is one thing. I understand that the amendment at this point basically does that instead of telling them how to reorganize. They have been talking about reorganization of USAID for the last several months, or the last several years, and we have instructed and pleaded with the administration to take heed. But for the Congress to micromanage to the extent that we start telling the administrative branch of government how they are going to reorganize is in my opinion wrong, and I think it is violative of at least the spirit of the Constitution to do so.

Mr. Chairman, I have listened to the debate for the last several weeks on this issue and I have listened to all of the controversy about Indonesia, and I have talked to some of my colleagues about the problems in Indonesia and I have heard about the problems in Cuba, and certainly, that is what we ought to do, talk about our concerns. We ought to express our views to our colleagues. But at the same time, we must recognize that people are listening to what we say.

Last year on the foreign operations bill, the appropriation bill, for example, there was a great debate talking about we wanted to force the people of Turkey to apologize for a massacre that took place decades ago. It had no business being discussed on the floor of this House, in my opinion. And the Turks, when we needed them in Korea, they were right there. We accepted them into NATO, and yet at the same time we were sending a message to them that we disagree with everything they do, simply because of an atrocity that took place decades ago.

During the debate this week we talked about Indonesia, and I know that a lot of people are concerned about the human rights violations in Indonesia. So am I. But at the same time, we have to recognize that Indonesia is a place where Americans are doing business, where our Government is working to improve the very concerns that we have.

They are working to encourage Indonesia to eliminate any possibility of future actions of human rights violations, and we are moving in the right direction. We give them absolutely no credit for what they have accomplished in consultation with our executive branch of government, and yet criticize them and tell them in a sense that we do not like them, that we do not want anything to do with them, while American businessmen are over there creating jobs for American workers. They are building generator plants, they are building the generators in the United States of America. They are creating jobs. They are making progress, for example, in the area of human rights, and we ought to give them credit there and we ought to let our diplomats, the people we have, the people that have been appointed by the President of the United States, the professionals that he has chosen, to negotiate these things rather than us jumping up on the floor of the House every time we visit a foreign country and become pseudo experts on everything in the world. We are not the body to do that. We can give our messages, but we must recognize that people are listening to this.

Since the debate that took place a few days ago on Indonesia, the President, or the head of Indonesia has now notified us that they do not want to participate anymore in IMET training. I think that is wrong. Our military wants to train their people, train them in human rights, train them in the same type of activities so that we can depend upon them should we ever need them.

The CHAIRMAN. The time of the gentleman from Alabama [Mr. CALLAHAN] has expired.

(By unanimous consent, Mr. CALLAHAN was allowed to proceed for 2 additional minutes.)

Mr. CALLAHAN. Mr. Chairman, I would like to insert in the RECORD a letter from Michael McGowan who was once a member of the Board of Governors of the American Chamber of Commerce, which is all of the American companies doing business in Indonesia, and let the Members have the opportunity to read his views, to recognize that there is more to this than just human rights.

We are doing the same thing with China, and I am concerned about that. When China violated human rights and they locked up Harry Wu, I was one of the ones that accompanied the gentleman from Louisiana [Mr. LIVINGSTON], the chairman of the Committee on Appropriations, to go to China to try to get Harry Wu out of jail. We should do those things. We should encourage them, but it is like a child coming home with a B-plus and is criticized for not getting an A.

So I want the Members of this body to know that people are paying attention to us, that we should recognize that we have diplomats to work out these problems, that we do have the right to express our concerns, but that we ought to be a little bit more cautious and we ought to be a little bit more cautious on the micromanagement of the Federal Government, of the executive branch of Government, in making certain that we give them the latitude that they need, that is necessary, to reorganize USAID, or any other department that we have jurisdiction over.

JUNE 9, 1997.

Hon. SONNY CALLAHAN,
Committee on Appropriations, U.S. House of Representatives, U.S. Congress, Washington, DC.

DEAR CHAIRMAN CALLAHAN: With regard to the recent congressional debate concerning the Republic of Indonesia, I would like to offer you some personal comments as a seventeen year resident of Indonesia and a member of the Board of Governors of the American Chamber of Commerce in Indonesia.

First, the current debate in the congress does little to further U.S.-Indonesia bilateral relations. Constructive engagement with Indonesia both at a governmental level and through increased bilateral trade and other exchanges will bear more fruit. Through continuing constructive engagement, American policies, principles and values can be best demonstrated to Indonesia. Continuing open debate on the applicability of punitive sanctions does nothing to further this relationship. Should sanctions be imposed, they serve as a double obstacle to continuing engagement by prohibiting new trade and exchange initiatives, while curtailing existing trade and exchange. This is bad for U.S. export growth, and costs American citizens jobs.

While no one can dispute that serious failures occurred in Timor-Timor, the government of Indonesia has demonstrated "Continuous Improvement" of its human rights record as exemplified by its performance during the Timika riots in the province of Irian Jaya and more recently during the elections. Although Indonesians suspected of causing civil disorder have been detained, no deaths have been attributed to government intervention.

Indonesian citizens deem the recent campaign to have been fairly conducted. From the start, the ruling party GOLKAR was never questioned with regard to its majority, only the degree of its majority.

Religious freedom is a tenet of the country's national philosophy. President Soeharto, himself a devout Muslim, openly participates in observances of other religious festivals such as Christmas and Easter.

To a great extent, the current debate in the U.S. is driven by reports of "bad news." This is not surprising as in the old cliché "bad news, sells papers." What I feel is required is as follows:

Continuing Constructive Engagement between the U.S. and Indonesian Governments.

Increasing U.S. Trade with Indonesia together with increasing the presence of U.S. business to demonstrate the application of American Values and Principles.

I thank you for this opportunity to express my thoughts.

Very truly yours,

MICHAEL C. MCGOWAN.

Ms. ROS-LEHTINEN. Mr. Chairman, I move to strike the requisite number of words.

I am very pleased to stand in support of the Gilman amendment, and I would like to yield my remaining time to the gentleman from New York [Mr. GILMAN], the very able chairman of the Committee on International Relations who conducts his committee, as well as the amendments on the floor, in a very fair, bipartisan manner, and it has been an honor for me to be a part of his committee.

Mr. GILMAN. Mr. Chairman, I thank the gentlewoman for yielding, and I thank her for her support of this amendment. She is a distinguished subcommittee chairman on our committee. I wanted to take this opportunity with regard to the adoption of this amendment, and to also discuss the final passage of this measure.

I would like to note to my colleagues that this measure, as my colleagues consider their final vote, contains no U.N. arrearages, contains no foreign aid, consolidates two Federal agencies that are in the en bloc amendment, merging them into the State Department, pursuant to the President's announcement with regard to the Arms Control Agency and the U.S. Information Agency, and contains traditional State authorization funding passed regularly by Congress, authorizing appropriations for USIA, for State, and ACDA. It contains anti-Castro provisions that will help tighten the economic squeeze on Cuba. It funds important United States-Mexico environmental border programs.

It contains provisions nailing deadbeat diplomats who drink, drive, and kill, winning the endorsements even of our Mothers Against Drunk Driving, and most important, it has been endorsed by Secretaries of State Eagleburger, Baker, Shultz, Haig, and Kissinger, along with National Security Advisors General Colin L. Powell and General Brent Scowcroft.

Mr. Chairman, as we wind up our debate on this bill, I would also like to thank some of the people for their contributions in support of the measure. I would like to thank Members on both sides of the aisle who have cooperated both in committee and here on the floor in particular. I want to thank the gentleman from New Jersey [Mr. SMITH], the distinguished chairman of our Subcommittee on International Operations and Human Rights, who is responsible for a good portion of the bill that is before us and marked up a significant part of it in subcommittee.

I also want to thank the gentleman from Nebraska [Mr. BEREUTER], the chairman of our Subcommittee on Asia and the Pacific, who has been especially supportive, and our other distinguished subcommittee chairpersons who have made contributions.

I want to thank our distinguished ranking Democratic member, Mr. HAMILTON, for his cooperation in working out a bipartisan approach to this bill, and hopefully, we will both be able to get support for this in the other body. The staff and the committee on both the majority and the minority side have worked especially hard on this bill and deserve the thanks of all of our Members. We have also had vital assistance from the Office of Legislative Counsel and from the expert Parliamentarians.

Finally, Mr. Speaker, I would like to express my appreciation to you and your predecessors in the chair for an extensive, long consideration of this measure.

Mr. Chairman, again I urge my colleagues on both sides of the aisle to give their support to this bipartisan measure on the final vote.

□ 1300

Mr. SERRANO. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, when the Committee rises and reports this bill to the House, I understand that a separate vote may be called for on the amendment I offered that was adopted in the House last Wednesday. If that should occur, it is my intention to call for a separate vote in the House on several other amendments that passed in the Committee of the Whole.

My amendment requires that the Secretary of State issue a report every 3 months listing all complaints by the Government of Cuba to the United States Government agencies. If we are going to be taking another vote on this amendment, I believe then that some other amendments also deserve another vote.

My amendment is not controversial; rather, its purpose is to make sure that Congress has enough information to make informed judgments on our policies toward Cuba. There is no reason to select this particular amendment out of all of the amendments that have been agreed to for a revote. In fact, there is no reason to vote against my amendment, unless Members do not want to see the more balanced and complete view of Cuba that these State Department reports could present. I believe that this information will help Congress make wiser decisions and perhaps prevent future misunderstandings.

For example, before the Brothers to the Rescue planes were shot down on February 24, 1996, Cuba made over 10 complaints to the Federal Aviation Administration about the group's violations of Cuban airspace. If Congress had seen these complaints, this tragedy might have been prevented.

At present the Cuban Government makes formal complaints to the State Department, but complaints are also made to other agencies, such as the FAA or the American interest section in Havana. Some complaints have involved violations of Cuban airspace, the dropping of leaflets in Havana that the Cuban Government finds offensive, traveling too close to Cuban shores, and even, according to the Cuban Government, terrorist acts against Cuban territory.

My amendment would put these complaints in one comprehensive report. If a separate vote is asked on my noncontroversial amendment, whose purpose is to give Congress information, I will ask for separate votes totaling close to 26 on many of the other amendments already passed.

Mr. DIAZ-BALART. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I find it very interesting, to say the least, that our colleague on the other side of the aisle has just called the amendment that he introduced in this legislation late at night, when there were literally two other Members on the floor, noncontroversial.

It would be the first time in the history of the United States that taxpayer funds would have to be spent, United States taxpayer funds would have to be spent, every 90 days to file a report by the United States Government with regard to any and all complaints against United States citizens made by the dictatorship of Cuba, one of the handful of terrorist states on the list of terrorist states by the State Department.

It is important that we recognize what the so-called noncontroversial amendment that we are simply seeking a vote on, what that would do. United States taxpayer funds would have to be expended so that any and all complaints made by the terrorist state, the dictatorship of Cuba, any complaints against United States citizens, any and all complaints, would have to be reported on and paid for by United States taxpayers. To call that a noncontroversial amendment is really almost inconceivable.

Now, we are simply asking for a vote, and we are going to ask a vote, the gentlewoman from Florida [Ms. ROS-LEHTINEN] is going to ask for a vote at the appropriate time. It seems inconceivable that that would be called not only noncontroversial but that in any way it would be implied as though it were something excessive on our part to ask for a vote.

Ms. ROS-LEHTINEN. Mr. Chairman, will the gentleman yield?

Mr. DIAZ-BALART. I yield to the gentlewoman from Florida.

Ms. ROS-LEHTINEN. Mr. Chairman, I thank my colleague for yielding to me.

Mr. Chairman, for our colleague in New York, we do not mean to tie up the time of our colleagues on revote after revote after revote. It is the gentleman who is going to be asking for that. We merely want to call a vote on an amendment which is very controversial, which asks U.S. taxpayers to fund a Castro investigation.

We think there are better uses for the scarce resources of our Nation than to give credibility to a dictator's false accusations. The U.S. Department of State is not an agency of Fidel Castro. We should not treat it as such. Yet, that is what this amendment asks for, so we believe that there are better uses of taxpayer funds.

We are not calling for 20-some-odd votes. The gentleman is the one, I would say to our colleague from New York, who is going to be doing that. We are merely calling for one vote, a rollcall vote, if it is demanded, if we lose on the voice vote; and that is, I think, fair, in the interests of democracy. We are not afraid of votes. We are not afraid of arguing the amendment on its merits.

I think if we had had that opportunity at the appropriate time, I think we would not be in this situation now. We are certainly not worried about the outcome of the vote. We think it is a fair process, when there are more Members present to redebate the issue and revote on the issue. We are not calling for 26 amendment votes, the gentleman is calling for that.

As our colleagues come on the floor, we want them to make sure, after I demand that separate vote on the Serrano amendment, that they understand that the person responsible for them coming time after time to vote is the gentleman from New York [Mr. SERRANO], and not their Florida colleagues.

Mr. MILLER of California. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I would just say that, if somehow an amendment should be revoted because it was passed on the floor when there were very few Members of Congress, that is the history of this bill. Perhaps the gentleman from New York [Mr. SERRANO] is right for a number of other reasons. This entire bill basically has been debated by few or no Members on the floor.

Mr. SERRANO. Mr. Chairman, will the gentleman yield?

Mr. MILLER of California. I yield to the gentleman from New York.

Mr. SERRANO. Mr. Chairman, I thank the gentleman from California for yielding to me.

Mr. Chairman, the gentleman is correct. I came to this floor that evening under the rules of this House and passed an amendment with a number of people on the floor, no different than when other people have passed amendments. The fact of life is that the only reason we are revoting this amendment is because it has to do with the one issue this House never wants to yield on or debate fully.

Second, according to that statement that the gentlewoman made, I think it is proper, then, to revote the others, because some of them passed by a very slim margin. If it is proper to revote one that passed with no vote, then it is proper to revote the other margins.

Then, lastly but not unimportant, I think, it is interesting that so much is made about a report that will come to Congress. I do not know at what point it is improper to tell the taxpayers that Congress should be informed before it makes a decision. But it is interesting to note that at the insistence of some of the people who would be calling for this vote, the bill currently calls for reports on the enforcement of the ongoing Cuban embargo.

In other words, in this bill right now there are provisions for reports to be made to Congress every few months on how that issue is going. So I felt that it was proper to add another report that would balance the issue a little bit, and prevent further problems in the future.

Mr. EWING. Mr. Chairman, I would like to explain a sense-of-the-Congress amendment which calls on the Government of Peru to respect the rights of prisoners to timely legal action. My amendment was adopted by the House as part of Chairman GILMAN's en bloc amendment last week.

The amendment contains strong language commending Peru for their efforts to control drugs and stating that anyone convicted for possession of drugs should face stiff penalties.

A constituent of mine, Jennifer Davis, and her friend Krista Barnes, have been held in prison in Peru for more than 8 months without being formally charged with a crime, without a trial, and without being sentenced. They are being held under horrible conditions which are in violation of basic international standards for the treatment of prisoners. I have a very serious question about whether the United States should continue sending about $100 million in foreign aid to Peru every year when that country is denying American citizens protection of their basic human rights and holding them more than 8 months without a trial.

Jennifer and Krista, who are only 20 years old, were arrested in Peru in September 1996 after being recruited by some Peruvians to carry cocaine. They deserve to be punished for this crime, and they know that. In fact, they immediately admitted their guilt and have gone out of their way to cooperate with the police. As a result, three Peruvians who put them up to this have been arrested.

Their willingness to cooperate has benefited them in no way. Eight months later they sit in prison without being charged and without a trial.

The prison where they are being held is not fit for humans. It was built for 230 but has about 700 prisoners, including small children. The women share a communal bathroom with no running water and no soap. The food is unsanitary and they do not receive any milk, vegetables, or fruit. Disease is rampant as well as rats, roaches, and sick animals. Health care is virtually nonexistent and Jennifer has lost over 22 pounds.

My sense-of-the-Congress language calls on Peru to respect the rights of prisoners to timely legal procedures. This is the minimum the American taxpayers should expect in return for the millions of dollars we give to Peru every year. Eight months without bringing charges and without a trial is unreasonable and unacceptable.

The CHAIRMAN pro tempore. The question is on the amendments en bloc offered by the gentleman from New York [Mr. GILMAN].

The amendments en bloc were agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker pro tempore [Mr. GOODLATTE] having assumed the chair, Mr. ROGERS, 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, pursuant to House Resolution 159, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment adopted by the Committee of the Whole?

Ms. ROS-LEHTINEN. Mr. Speaker, I demand a separate vote on the so-called Serrano amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment?

Mr. SERRANO. Mr. Speaker, I demand separate votes on the following amendments numbered on the Clerk's list in the order in which they appear in the bill.

The amendments are as follows: No. 1, the so-called Gilman amendments en bloc; No. 2, the so-called Gilman amendment; No. 4, the so-called Skaggs amendment, as amended by the so-called Diaz-Balart amendment; No. 3, the so-called Smith of New Jersey amendment; No. 6, the so-called Bachus amendment; No. 5, the so-called Hefley amendment; No. 7, the so-called Gilman amendments en bloc; No. 8, the so-called Goss amendment; No. 10, the so-called Gilman amendments en bloc; No. 9, the so-called Coburn amendment; No. 11, the so-called Smith of New Jersey amendment; No. 15, the so-called Fox of Pennsylvania amendment; No. 16, the so-called Lazio of New York amendment; No. 19, the so-called Smith of New Jersey amendment; No. 20, the so-called Gilman amendment; No. 22, the so-called Scarborough amendment,

as modified; No. 24, the so-called Nethercutt amendment; No. 26, the so-called Paxon amendment; No. 23, the so-called Ney amendment; No. 25, the so-called Miller of California amendment, as amended by the so-called Diaz-Balart amendment; No. 35, the so-called Rohrabacher amendment; No. 29, the so-called Fox of Pennsylvania amendment.

Mr. Speaker, as I stated before, I demand separate votes on each one.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The Clerk will redesignate the first amendment on which a separate vote has been demanded.

The Clerk redesignated the amendments en bloc.

The SPEAKER pro tempore. The question is on the amendments en bloc offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SERRANO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 5(b) 2 of rule XV, the Chair announces that he may reduce to a minimum of 5 minutes the period of time within which a vote by electronic device will be taken on the question of adoption of the amendments on which separate votes have been demanded.

The vote was taken by electronic device, and there were—yeas 420, nays 6, not voting 8, as follows:

[Roll No. 180]

YEAS—420

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
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
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
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)
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
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
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, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
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
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NAYS—6

Cannon
Cox
Deal
Rohrabacher
Royce
Scarborough

NOT VOTING—8

Farr
Flake
Forbes
Molinari
Schiff
Smith (TX)
Stark
Visclosky

□ 1339

Messrs. DEAL of Georgia, ROYCE and ROHRABACHER changed their vote from "yea" to "nay."

Mr. BORSKI and Mr. OWENS changed their vote from "nay" to "yea."

So the amendments en bloc were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendments is as follows:

Amendments offered by Mr. GILMAN:

Page 84, line 5, strike "$1,291,977,000" and insert "$1,746,977,000".

Page 84, line 6, strike "$1,291,977,000" and insert "$1,746,977,000".

Strike line 7 on page 110 and all that follows through line 17 on page 112.

Page 84, line 4, insert "(A) AUTHORIZATION OF APPROPRIATIONS.—" before "For".

Page 84, after line 7 insert the following:

(B) PASSPORT INFORMATION SERVICES.—The Secretary of State shall provide passport information without charge to citizens of the United States, including—

(i) information about who is eligible to receive a United States passport and how and where to apply;

(ii) information about the status of pending applications; and

(iii) names, addresses, and telephone numbers of State and Federal officials who are authorized to provide passport information in cooperation with the Department of State.

Page 112, strike line 18 and all that follows through line 7 on page 114 and insert the following:

SEC. 1208. SURCHARGE FOR PROCEEDING CERTAIN MACHINE READABLE VISAS.

Section 140(a) of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (Public Law 103-236) is amended—

(1) in paragraph (2) by striking "providing consular services," and inserting "the Department of State's border security program, including the costs of installation and operation of the machine readable visa and automated name-check process, improving the quality and security of the United States passport, passport and visa fraud investigations, and the technological infrastructure

to support the programs referred to in this sentence.";

(2) by striking the first sentence of paragraph (3) and inserting "For fiscal years 1998 and 1998, fees deposited under the authority of paragraph (2) may not exceed $140,000,000 in each fiscal year and, notwithstanding paragraph (2), such fees shall be available only to the extent provided in advance in appropriations Acts."; and

(3) by striking paragraph (5).

The SPEAKER pro tempore: The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 422, noes 0, not voting 12, as follows:

[Roll No. 181]

AYES—422

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
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)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hinojosa
Hobson
Hoekstra
Holden
Hooley
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
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
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
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
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—12

Farr
Flake
Forbes
Hinchey
Horn
Molinari
Pelosi
Porter
Sandlin
Schiff
Visclosky
Wise

□ 1349

So the amendments were agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. VISCLOSKY. Mr. Speaker, earlier today, I was unavoidably detained and was not present for rollcall votes 180 and 181. Had I been present, I would have voted "yea" on both.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey:

Page 96, lines 8 and 9, strike $334,655,000" both places it appears and insert "$344,655,000" and "$341,655,000" respectively.

Page 96, lines 21 and 22, strike $30,000,000" both places it appears and insert "40,000,000" and "33,000,000" respectively.

Page 96, lines 24 and 25, strike "10,000,000" both places it appears and insert "$30,000,000".

Add at the end of Title XI:

SEC. .

(a) It is the sense of Congress that the United States broadcasting through Radio Free Asia and Voice of America increase to continuous, 24-hour broadcasting in Mandarin, Cantonese, Tibetan, and that broadcasting in additional Chinese dialects be increased.

(b) Within 90 days of enactment of this Act, the President shall report to the Congress on a plan to achieve continuous broadcasting in Asia.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 354, noes 72, not voting 8, as follows:

[Roll No. 182]

AYES—354

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chambliss
Chenoweth
Christensen
Clayton
Clyburn
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deal
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks

Dixon
Doggett
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hilliard
Hobson
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kim
King (NY)
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Ryun
Salmon
Sanchez
Sandlin
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skaggs
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Towns
Traficant
Turner
Upton
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—72

Barrett (WI)
Becerra
Bonilla
Boucher
Brown (CA)
Chabot
Clay
Clement
Coble
Condit
Conyers
Cummings
Danner
Davis (IL)
DeFazio
Dellums
Dingell
Dooley
Duncan
Evans
Fattah
Filner
Foglietta
Frank (MA)
Ganske
Gejdenson
Goode
Goodling
Hinchey
Hinojosa
Hoekstra
Jackson (IL)
Kanjorski
Kilpatrick
Kind (WI)
Kingston
Kleczka
Lewis (GA)
Luther
Martinez
McCarthy (MO)
McDermott
Meehan
Millender-McDonald
Miller (CA)
Minge
Mollohan
Obey
Olver
Owens
Parker
Paul
Payne
Pombo
Rivers
Rodriguez
Rush
Sabo
Sanders
Sanford
Sensenbrenner
Serrano
Shuster
Slaughter
Stokes
Tierney
Torres
Velázquez
Vento
Waters
Watt (NC)
Yates

NOT VOTING—8

Farr
Flake
Forbes
Molinari
Rangel
Schiff
Stark
Weldon (FL)

□ 1400

Mr. GOODLING changed his vote from "aye" to "no."

Mr. COYNE and Mr. NADLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment, as amended, offered by Mr. SKAGGS of Colorado:

Page 97, line 1, insert "(A) AUTHORIZATION OF APPROPRIATIONS" before "For".

Page 97, after line 3, insert the following:

(B) LIMITATION.—Of the amounts authorized to be appropriated under subparagraph (A), no funds shall be used for television broadcasting to Cuba after October 1, "1997, if the President certifies that continued funding is not in the national interest of the United States."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. SCAGGS], as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 279, noes 149, not voting 6, as follows:

[Roll No. 183]

AYES—279

Ackerman
Aderholt
Andrews
Bachus
Baker
Ballenger
Barcia
Barr
Barton
Bass
Bateman
Bentsen
Bereuter
Bilirakis
Bishop
Blagojevich
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clayton
Clement
Clyburn
Coburn
Collins
Combest
Cook
Cooksey
Cox
Coyne
Crane
Crapo
Cubin
Cunningham
Davis (FL)
Davis (VA)
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Everett
Ewing
Fawell
Fazio
Foley
Ford
Fowler
Fox
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Holden
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (RI)
Kim
King (NY)
Kingston
Klink
Klug
Knollenberg
Kolbe
Kucinich
LaHood
Lampson
Lantos
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Mascara
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
McNulty
Meek
Menendez
Metcalf
Mica
Miller (FL)
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Pascrell
Pastor
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Pickering
Pickett
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—149

Abercrombie
Allen
Armey
Baesler
Baldacci
Barrett (NE)
Barrett (WI)
Bartlett
Becerra
Berman
Berry
Bilbray
Blumenauer
Boehlert
Bonior
Borski
Boucher
Brown (CA)
Capps
Christensen
Clay
Coble
Condit
Conyers
Costello
Cramer
Cummings

Danner
Davis (IL)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Evans
Fattah
Filner
Foglietta
Frank (MA)
Furse
Ganske
Gejdenson
Gonzalez
Goode
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hilliard
Hinchey
Hoekstra
Hooley
Jackson (IL)
Jefferson
Kanjorski
Kennedy (MA)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
LaFalce
Lewis (GA)
Lofgren
Lowey
Luther
Markey
Martinez
Matsui
McCarthy (MO)
McDermott
McGovern
McHale
McIntyre
McKinney
Meehan
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Nadler
Neal
Neumann
Oberstar
Obey
Olver
Owens
Parker
Paul
Payne
Petri
Pomeroy
Poshard
Price (NC)
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Sensenbrenner
Serrano
Shuster
Skaggs
Slaughter
Smith, Adam
Stark
Stenholm
Stokes
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Whitfield
Wise
Woolsey
Yates

NOT VOTING—6

Archer
Farr
Flake
Forbes
Molinari
Schiff

□ 1412

Messrs. DOGGETT, HOEKSTRA, CRAMER, NEUMANN, and WHITFIELD changed their vote from "aye" to "no."

Messrs. COYNE, CLYBURN, and FAZIO of California and Ms. EDDIE BERNICE JOHNSON of Texas changed their vote from "no" to "aye."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. HEFLEY:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section and amend the table of contents accordingly):

SEC. 1221. NOTIFICATION OF CRIMES COMMITTED BY DIPLOMATS.

Title II of the State Department Basic Authorities Act of 1956 (22 U.S.C. 4301 et seq.; commonly referred to as the "Foreign Missions Act") is amended by inserting after section 204A the following:

"SEC. 204B. CRIMES COMMITTED BY DIPLOMATS.

"(a) RECORDS.—(1) The Secretary of State shall develop and maintain records on each incident in which an individual with immunity from the criminal jurisdiction of the United States under the Vienna Convention who the Secretary reasonably believes has committed a serious criminal offense within the United States which was not subject to the criminal jurisdiction of the United States. Each such record shall include—

"(A) the identity of such individual;

"(B) the nature of the offense committed by such individual, including whether against property or persons;

"(C) whether such offense involved reckless driving or driving while intoxicated; and

"(D) the number and nature of all other criminal offenses committed in the United States by such individual.

"(2) The Secretary shall submit an annual report to the Congress on the incidents occurring during the preceding year. The report shall include the information maintained under paragraph (1) together with information under section 1706(a).

"(b) EDUCATION AND ENCOURAGEMENT OF LOCAL LAW ENFORCEMENT INDIVIDUALS.—The Secretary shall take such steps as may be necessary—

"(1) to educate local law enforcement officials on the extent of the immunity from criminal jurisdiction provided to members of a foreign mission, and family members of such members, under the Vienna Convention; and

"(2) to encourage local law enforcement officials to fully investigate, charge, and prosecute, to the extent consistent with immunity from criminal jurisdiction under the Vienna Convention, any member of a foreign mission, and any family member of such a member, who commits a serious criminal offense within the United States.

"(c) INTERFERENCE WITH LOCAL PROSECUTIONS.—No officer or employee of the Department of State may interfere with any investigation, charge, or prosecution by a State or local government of—

"(1) an alien who is a member of a foreign mission,

"(2) a family member of an alien described in subparagraph (A), or

"(3) any other alien, not covered by immunity from the criminal jurisdiction of the United States under the Vienna Convention.

"(d) NOTIFICATION OF DIPLOMATIC CORPS.—The Secretary shall notify the members of each foreign mission of United States policies relating to criminal offenses (particularly crimes of violence) committed by such members, and the family members of such members, including the policy of obtaining criminal indictments, requiring such members to leave the country, and declaring such members persona non grata.

"(e) VIENNA CONVENTION.—For the purposes of this section, the term 'Vienna Convention means the Vienna Convention on Diplomatic Relations of April 18, 1961 (TIAS numbered 7502; 23 UST 3227), entered into force with respect to the United States on December 13, 1972.".

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Colorado [Mr. HEFLEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 386, noes 42, answered "present" 1, not voting 5, as follows:

[Roll No. 184]

AYES—386

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Christensen
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
Deutsch
Diaz-Balart
Dickey
Dicks
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Fazio
Foley
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 (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)
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 (KY)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Meehan
Menendez
Metcalf
Mica
Miller (CA)
Miller (FL)
Minge
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Olver
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
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
Rothman
Roukema
Royce
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
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
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Wynn
Yates
Young (AK)
Young (FL)

NOES—42

Barrett (WI)
Becerra
Berman
Bonior
Borski
Brown (CA)
Clay
Clayton
Dellums
Dingell
Dixon
Fattah
Foglietta
Hamilton
Hastings (FL)
Jackson-Lee (TX)
Lewis (GA)
Martinez
McDermott
McKinney
Meek
Millender-McDonald
Mink
Murtha
Obey
Owens
Payne
Rahall
Roybal-Allard
Rush
Sanders
Serrano
Snyder
Stokes
Tierney
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Woolsey

ANSWERED "PRESENT"—1

Filner

NOT VOTING—5

Farr
Flake
Forbes
Molinari
Schiff

□ 1422

Mrs. CLAYTON changed her vote from "aye" to "no."

Mr. SAWYER and Mr. NADLER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. HYDE. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman will state it.

Mr. HYDE. Mr. Speaker, I just wonder if we could not take all of these votes on these amendments by sample, rather than actually taking them.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. BACHUS:

At the end of chapter 1 of title XII (relating to Department of State authorities and activities) insert the following new section:

SEC. 1221. REPORT ON OVERSEAS SURPLUS PROPERTIES.

(a) REPORT TO CONGRESS.—Not later than March 1 of each year, the Secretary of State shall submit to the Congress a report listing overseas United States surplus properties for sale.

(b) USE OF FUNDS RECEIVED FROM SALE OF OVERSEAS SURPLUS PROPERTIES.—Notwithstanding any other provision of law, amounts received by the United States from the sale of any overseas United States surplus property shall be deposited in the Treasury of the United States to be used to reduce the deficit.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Alabama [Mr. BACHUS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 283, noes 146, not voting 5, as follows:

[Roll No. 185]

AYES—283

Abercrombie
Aderholt
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bilirakis
Bishop
Bliley
Blunt
Boehner
Bonilla
Bono
Boswell
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Carson
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (VA)
Deal
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Foley
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Harman
Hastert
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hobson
Hoekstra
Holden
Hooley
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson (WI)
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (RI)
Kildee
Kim
Kind (WI)
Kingston
Kleczka
Klink
Klug
Knollenberg
Lampson
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Minge
Moran (KS)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rivers
Roemer
Rogan
Rohrabacher
Ros-Lehtinen
Rothman
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stabenow
Stearns
Stenholm
Strickland
Stump
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—146

Ackerman
Allen
Armey
Becerra
Bentsen
Bereuter
Berman
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Coyne
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Engel
Fattah
Fazio
Filner
Foglietta
Ford
Frost
Furse
Gejdenson
Gephardt
Gilman
Gonzalez
Gutierrez
Hall (OH)
Hamilton
Hastings (FL)
Hilliard
Hinchey
Hinojosa
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Kennedy (MA)
Kennelly
Kilpatrick
King (NY)
Kolbe
Kucinich
LaFalce
LaHood
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Manton
Markey
Martinez
Matsui
McDermott
McGovern
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Oberstar
Olver
Owens
Pallone
Payne
Pelosi
Pomeroy
Porter
Rahall
Rangel
Regula
Reyes
Rodriguez
Rogers
Roukema
Roybal-Allard
Rush
Sabo
Sanders
Sawyer
Serrano
Sherman
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stark
Stokes
Stupak
Thompson
Torres
Towns
Velázquez
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Wise
Woolsey
Wynn
Yates

NOT VOTING—5

Farr	Forbes	Schiff
Flake	Molinari	

□ 1434

Mrs. KENNELLY of Connecticut changed her vote from "aye" to "no."

Messrs. NEAL of Massachusetts, FRELINGHUYSEN, SCOTT, and PAXON changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following amendments be considered en bloc: The so-called Gilman en bloc amendment regarding consular service duties, the so-called Coburn amendment regarding world heritage programs, the so-called Gilman amendment en bloc regarding Peru and Ethiopia, and the so-called Smith amendment regarding impediments to the delivery of aid.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendments is as follows:

Amendments offered by Mr. GILMAN:

Page 120, strike line 11 and all that follows through line 18, and insert the following:

(a) PERSONS AUTHORIZED TO ISSUE REPORTS OF BIRTHS ABROAD.—Section 33 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2705) is amended in paragraph (2) by adding at the end the following: "For purposes of this paragraph, a consular officer shall include any United States citizen employee of the Department of State designated by the Secretary of State to adjudicate nationality abroad pursuant to such regulations as he may prescribe.".

Page 121, after line 17, insert the following:

(e) DEFINITION OF CONSULAR OFFICER.—Section 101(a)(9) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(9)) is amended by—

(1) inserting "or employee" after "officer"; and

(2) inserting before the period at the end of the sentence "or, when used in title III, for the purpose of adjudicating nationality".

(f) TRAINING FOR EMPLOYEES PERFORMING CONSULAR FUNCTIONS.—Section 704 of the Foreign Service Act of 1980 (22 U.S.C. 4024) is amended by adding at the end the following new subsection:

"(d) Prior to designation by the Secretary of State pursuant to regulation to perform a consular function abroad, a United States citizen employee (other than a diplomatic or consular officer of the United States) shall be required to complete successfully a program of training essentially equivalent to the training that a consular officer who is a member of the Foreign Service would receive for purposes of performing such function and shall be certified by an appropriate official of the Department of State to be qualified by knowledge and experience to perform such function. As used in this subsection, the term 'consular function' includes the issuance of visas, the performance of notarial and other legalization functions, the adjudication of passport applications, the adjudication of nationality, and the issuance of citizenship documentation.".

SECTION 1304—ESTABLISHMENT OF ASSISTANT SECRETARY OF STATE FOR DIPLOMATIC SECURITY

On page 127 line 20 insert after security "and management".

SECTION 1321—AUTHORIZED STRENGTH OF THE FOREIGN SERVICE

On page 130 line 5 delete 1070 and insert in its place 1,210.

On page 130 line 6 delete 140 and insert in its place 150.

On page 130 line 17 delete 1065 and insert in its place 1,182.

On page 130 line 18 delete 135 and insert in its place 147.

Strike section 1702 of division B, page 163, line 3 to page 164, line 3, and insert the following new section (and renumber the subsequent sections accordingly and conform the table of contents accordingly).

SEC. 1702. UNITED STATES POLICY WITH RESPECT TO THE INVOLUNTARY RETURN OF PERSONS IN DANGER OF SUBJECTION TO TORTURE.

(a) POLICY.—It shall be the policy of the United States that the United States shall not expel, extradite, or otherwise effect the involuntary return of any person to a country in which there are substantial grounds for believing that the person would be in danger of being subjected to torture, regardless of whether the person is physically present in the United States.

(b) DEFINITIONS.—Except as otherwise provided, terms used in this section have the meanings assigned under the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, subject to any reservations, understandings, declarations and provisos contained in the United States resolution of advice and consent to ratification of such Convention.

(c) PROCEDURES.—Procedures shall be established to ensure compliance with subsection (a) in the cases of aliens who are arriving in the United States or who are physically present in the United States and who are subject to removal.

(d) REVIEW AND CONSTRUCTION.—Notwithstanding any other provision of law, no court shall have jurisdiction to review the procedures adopted to implement this section, and nothing in this section shall be construed as providing any court jurisdiction to review claims raised under the Convention or this section, or any other determination made with respect to the application of the policy set forth in subsection (a), except as part of the review of a final order of removal pursuant to section 242 of the Immigration and Nationality Act, as amended.

Strike section 1712 and insert the following:

SEC. 1712. SENSE OF CONGRESS RELATING TO RECOGNITION OF THE ECUMENICAL PATRIARCHATE BY THE GOVERNMENT OF TURKEY.

It is the sense of Congress that the United States should use its influence with the Turkish Government and as a permanent member of the United Nations Security Council to suggest that the Turkish Government—

(1) recognize the Ecumenical Patriarchate and its nonpolitical, religious mission;

(2) ensure the continued maintenance of the institution's physical security needs, as provided for under Turkish and international law, including but not limited to, the Treaty of Lausanne, the 1968 Protocol, the Helsinki Final Act (1975), and the Charter of Paris;

(3) provide for the proper protection and safety of the Ecumenical Patriarch and Patriarchate personnel; and

(4) reopen the Ecumenical Patriarchate's Halki Patriarchal School of Theology.

Page 183, line 1, strike "cases and the" and insert "cases through the provision of records and the unilateral and joint".

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 428, noes 0, not voting 6, as follows:

[Roll No. 186]

AYES—428

Abercrombie	Cardin	Ensign
Ackerman	Carson	Eshoo
Aderholt	Castle	Etheridge
Allen	Chabot	Evans
Andrews	Chambliss	Everett
Archer	Chenoweth	Ewing
Armey	Christensen	Fattah
Bachus	Clay	Fawell
Baesler	Clayton	Fazio
Baker	Clement	Filner
Baldacci	Clyburn	Foglietta
Ballenger	Coble	Foley
Barcia	Coburn	Ford
Barr	Collins	Fowler
Barrett (NE)	Combest	Fox
Barrett (WI)	Condit	Frank (MA)
Bartlett	Conyers	Franks (NJ)
Barton	Cook	Frelinghuysen
Bass	Cooksey	Frost
Bateman	Costello	Furse
Becerra	Coyne	Gallegly
Bentsen	Cramer	Ganske
Bereuter	Crane	Gejdenson
Berman	Crapo	Gekas
Berry	Cubin	Gephardt
Bilbray	Cummings	Gibbons
Bilirakis	Cunningham	Gilchrest
Bishop	Danner	Gillmor
Blagojevich	Davis (FL)	Gilman
Bliley	Davis (IL)	Gonzalez
Blumenauer	Davis (VA)	Goode
Blunt	Deal	Goodlatte
Boehlert	DeFazio	Goodling
Boehner	DeGette	Gordon
Bonilla	Delahunt	Goss
Bonior	DeLauro	Graham
Bono	DeLay	Granger
Borski	Dellums	Green
Boswell	Deutsch	Greenwood
Boucher	Diaz-Balart	Gutierrez
Boyd	Dickey	Gutknecht
Brady	Dicks	Hall (OH)
Brown (CA)	Dingell	Hall (TX)
Brown (FL)	Dixon	Hamilton
Brown (OH)	Doggett	Hansen
Bryant	Dooley	Harman
Bunning	Doolittle	Hastert
Burr	Doyle	Hastings (FL)
Burton	Dreier	Hastings (WA)
Buyer	Duncan	Hayworth
Callahan	Dunn	Hefley
Calvert	Edwards	Hefner
Camp	Ehlers	Herger
Campbell	Ehrlich	Hill
Canady	Emerson	Hilleary
Cannon	Engel	Hilliard
Capps	English	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
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOT VOTING—6

Cox
Farr
Flake
Forbes
Molinari
Schiff

□ 1444

Mr. RANGEL changed his vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. GOSS:

Page 139, strike line 19 and all that follows through line 10 on page 141 (and conform the table of contents accordingly).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. GOSS].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 226, noes 201, not voting 7, as follows:

[Roll No. 187]

AYES—226

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
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
Dicks
Doolittle
Dreier
Duncan
Dunn
Ehlers
Ehrlich
Emerson
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gibbons
Gilchrest
Gillmor
Gilman
Goodlatte
Goodling
Goss
Graham
Granger
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Horn
Hostettler
Houghton
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Largent
Latham
LaTourette
Lazio
Leach
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Regula
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Roukema
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stump
Sununu
Talent
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—201

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Becerra
Bentsen
Berman
Berry
Bishop
Blagojevich
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cramer
Cummings
Danner
Davis (FL)
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Engel
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gephardt
Gonzalez
Goode
Gordon
Green
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Kleczka
Klink
Kucinich
LaFalce
Lampson
Lantos
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
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
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Peterson (MN)
Pickett
Pomeroy
Poshard
Price (NC)
Rahall
Rangel
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith (NJ)
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stenholm
Stokes
Strickland
Stupak
Tanner
Tauscher
Taylor (MS)
Thompson
Thurman
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Farr
Flake
Forbes
Hunter
Molinari
Riggs
Schiff

□ 1453

Mr. TAYLOR of Mississippi changed his vote from "aye" to "no."

Mr. BOEHLERT and Mr. MORAN of Virginia changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PERSONAL EXPLANATION

Mr. RIGGS. Mr. Speaker, on rollcall No. 187 I was inadvertently detained. Had I been present, I would have voted "yes".

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. COBURN:

At the end of title XV insert the following new section:

SEC. 1525. PROHIBITION ON FUNDING FOR UNESCO WORLD HERITAGE AND MAN AND BIOSPHERE PROGRAMS.

None of the funds authorized to be appropriated by this Act may be made available to the Man and Biosphere (MAB) Program or the World Heritage Program administered by the United Nations Educational, Scientific, and Cultural Organization (UNESCO).

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Oklahoma [Mr. COBURN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 222, noes 202, not voting 10, as follows:

[Roll No. 188]

AYES—222

Aderholt
Archer
Armey
Baesler
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Berry
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Cox
Crane
Crapo
Cubin
Cunningham
Danner
Deal
Delahunt
DeLay
Diaz-Balart
Dickey
Doolittle
Dreier
Duncan
Dunn
Ehrlich
Emerson
Ensign
Everett
Ewing
Foley
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Gilman
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Green
Greenwood
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hobson
Hoekstra
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kasich
Kelly
Kim
King (NY)
Kingston
Kleczka
Knollenberg
LaHood
Lampson
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Livingston
LoBiondo
Lucas
Manzullo
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moran (KS)
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Pryce (OH)
Quinn
Radanovich
Redmond
Regula
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Scarborough
Schaefer, Dan
Schaffer, Bob
Scott
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Shimkus
Shuster
Skeen
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thornberry
Thune
Tiahrt
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
White
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—202

Abercrombie
Allen
Andrews
Baldacci
Barrett (WI)
Becerra
Bentsen
Bereuter
Berman
Bishop
Blumenauer
Bonior
Borski
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Conyers
Costello
Coyne
Cramer
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Edwards
Ehlers
Engel
English
Eshoo
Etheridge
Evans
Fattah
Fawell
Fazio
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gonzalez
Gordon
Gutierrez
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Holden
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kind (WI)
Klink
Klug
Kolbe
Kucinich
LaFalce
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lipinski
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Pelosi
Pickett
Pomeroy
Porter
Poshard
Price (NC)
Rahall
Ramstad
Reyes
Rivers
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Saxton
Schumer
Serrano
Sherman
Sisisky
Skaggs
Skelton
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Stupak
Tanner
Tauscher
Thompson
Thurman
Tierney
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
Weygand
Wise
Woolsey
Wynn
Yates

NOT VOTING—10

Ackerman
Bachus
Farr
Flake
Forbes
Largent
Martinez
Molinari
Rangel
Schiff

□ 1504

Mr. SAXTON, Ms. EDDIE BERNICE JOHSON of Texas, Mrs. ROUKEMA and Ms. BROWN of Florida changed their vote from "aye" to "no."

Mr. CONDIT and Mr. PETERSON of Minnesota changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendments is as follows:

Amendments offered by Mr. GILMAN:

At the end of title XVII (relating to foreign policy provision) add the following (and conform the table of contents accordingly):

SEC. 1717. SENSE OF THE CONGRESS REGARDING UNITED STATES CITIZENS HELD IN PRISONS IN PERU.

(a) FINDINGS.—The Congress finds the following:

(1) The Government of Peru has made substantial progress in the effort to restrict the flow of illicit drugs from Peru to the United States.

(2) The Government of Peru has cooperated greatly with the United States Government to stop individuals and organizations seeking to transport illicit drugs from Peru to the United States and to jail such drug exporters.

(3) Any individual engaging in such exporting of illicit drugs and convicted in a court of law should face stiff penalties.

(4) Any such individual should also have a right to timely legal procedures.

(5) Two United States citizens, Jennifer Davis and Krista Barnes, were arrested in Peru on September 25, 1996, for attempting to transport illicit drugs from Peru to the United States.

(6) Ms. Davis and Ms. Barnes have admitted their guilt upon arrest and to an investigative judge.

(7) Ms. Davis and Ms. Barnes have volunteered to cooperate fully with Peruvian judicial authorities in naming individuals responsible for drug trafficking and several have been arrested.

(8) More than seven months after their arrest, Ms. Davis and Ms. Barnes have not yet been formally charged with a crime.

(9) Peruvian domestic law mandates that formal charges be brought within four to six months after arrest.

(b) SENSE OF THE CONGRESS.—It is the sense of the Congress that the Government of Peru should respect the rights of prisoners to

timely legal procedures, including the rights of all United States citizens held in prisons in Peru.

AMENDMENT TO H.R. 1757, AS REPORTED

OFFERED BY MR. KENNEDY OF MASSACHUSETTS

At the end of title XVII, insert the following:

SEC. 1717. SPECIAL ENVOYS FOR MUTUAL DISARMAMENT.

The President shall instruct the United States Ambassador to the United Nations to support in the Security Council, the General Assembly, and other United Nations bodies, resolutions and other efforts to—

(1) appoint special envoys for conflict prevention to organize and conduct, in cooperation with appropriate multilateral institutions, mutual disarmament talks in every region of the world in which all nations would participate, and to report to international financial institutions on the degree of cooperation of governments with these talks;

(2) commit each member state to agree to meet with its regional special envoy within 3 months of appointment to deliver and discuss its proposal for regional (and, where appropriate, international) confidence-building measures, including mutual reductions in the size, proximity, and technological sophistication of its and other nations' armed forces, that would lead to significant cuts in threat levels and military spending; and

(3) commit each member state to agree to continue meeting with the special envoy and such regional bodies and states as the special envoy shall suggest to complete negotiations on such confidence-building measures, with the goal of making significant cuts in military spending by the year 2000.

AMENDMENT TO H.R. 1757, AS REPORTED

OFFERED BY MR. KIM OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS RELATING TO THE TRANSFER OF NUCLER WASTE FROM TAIWAN TO NORTH KOREA.

(a) FINDINGS.—The Congress makes the following findings:

(1) The Republic of China on Taiwan (Taiwan) is considering transferring low-level nuclear waste to the Democratic People's Republic of Korea (North Korea) and paying North Korea an amount in excess of $220,000,000 to accept the nuclear waste.

(2) The transfer of nuclear waste across international boundaries creates worldwide environmental safety concerns.

(3) North Korea rejected the request of the International Atomic Energy Agency (IAEA) to inspect 2 nuclear facilities at Yongbyon in March 1993, in violation of Article III of the Treaty on the Non-Proliferation of Nuclear Weapons, to which North Korea is a signatory.

(4) North Korea has historically been unwilling to allow any third party investigators to inspect its nuclear waste storage facilities.

(5) The failure of North Korea to store nuclear waste safely raises environmental concerns on the Korean peninsula.

(6) The United States has in excess of 37,000 military personnel, plus their families, on the Korean peninsula.

(7) The current North Korean regime has been linked to numerous terrorist activities, including the bombing in 1987 of a Korean Airline aircraft, and the bombing in 1983 in Rangoon, Burma, which killed 4 South Korean Government and 13 diplomatic officials.

(8) North Korea continues to be listed by the United States Department of State as a state supporting international terrorism.

(9) The several hundred million dollars of hard currency generated by this transaction could be used by the militarist regime in North Korea to continue their reign of terror over their own people and the sovereign nations of the Pacific Rim.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Government of Taiwan should refrain from issuing an export license for the transfer of nuclear waste to North Korea until all parties on the Korean peninsula can be assured that—

(1) North Korea can safely handle this nuclear waste;

(2) North Korea will submit to independent third party inspection of their nuclear storage facilities; and

(3) North Korea indicates a willingness to comply with the commitments it made in the "Agreed Framework", entered into in 1994 between North Korea, South Korea, Japan, and the United States, relating to nuclear materials and facilities in North Korea, and meet International Atomic Energy Agency safeguards with respect to North Korea's nuclear program.

AMENDMENT TO H.R. 1757, AS REPORTED

OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING PRIME MINISTER GUJRAL OF INDIA.

(a) FINDINGS.—The Congress makes the following findings:

(1) Prime Minister Gujral of India has recently received a vote of confidence from the Indian parliament.

(2) Prime Minister Gujral is committed to strengthening ties between the United States and India through the continuation of free market reforms and initiatives.

(3) The Gujral government is on the verge of passing a budget package that will carry forward economic reforms initiated in 1991 that have opened India to foreign investment and trade.

(4) Prime Minister Gujral has made it a priority to improve relations with Pakistan and has recently met with the Prime Minister of Pakistan, Nawaz Sharif, to better relations between the two countries.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that the Clinton Administration should support and work closely with Indian Prime Minister Gujral in strengthening relations between the United States and India and improving relations in the South Asia region.

AMENDMENT TO H.R. 1757, AS REPORTED

OFFERED BY MR. PALLONE OF NEW JERSEY

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. SENSE OF CONGRESS REGARDING THE SOVEREIGNTY OF BELARUS.

It is the sense of the Congress that the President should strongly urge the Government of President Aleksandr Lukashenka of the Republic of Belarus to defend the sovereignty of Belarus, maintain its independence from the Russian Federation, abide by the provisions of the Helsinki Accords and the constitution of the Republic of Belarus and guarantee freedom of the press, allow for the flowering of the Belarusan language and culture, and enforce the separation of powers.

AMENDMENT TO H.R. 1757, AS REPORTED OFFERED BY MR. ROHRABACHER OF CALIFORNIA

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. CONGRESSIONAL STATEMENT REGARDING THE ACCESSION OF TAIWAN TO THE WORLD TRADE ORGANIZATION.

(a) FINDINGS.—The Congress makes the following findings:

(1) The people of the United States and the people of the Republic of China on Taiwan have long enjoyed extensive ties.

(2) Taiwan is currently the 8th largest trading partner of the United States, and exports from the United States to Taiwan total more than $18,000,000 annually, substantially more than the United States exports to the People's Republic of China.

(3) The executive branch has committed publicly to support Taiwan's bid to join the World Trade Organization and has declared that the United States will not oppose this bid solely on the grounds that the People's Republic of China, which also seeks membership in the World Trade Organization, is not yet eligible because of its unacceptable trade practices.

(4) The United States and Taiwan have concluded discussions on a variety of outstanding trade issues that remain unresolved with the People's Republic of China and that are necessary for the United States to support Taiwan's membership in the World Trade Organization.

(5) The reversion of control over Hong Kong—a member of the World Trade Organization—to the People's Republic of China, scheduled by treaty to occur on July 1, 1997, will, in many respects, afford to the People's Republic of China the practical benefit of membership in the World Trade Organization for the substantial portion of its trade in goods—despite the fact that the trade practices of the People's Republic of China currently fall far short of what the United States expects for membership in the World Trade Organization.

(6) The executive branch has announced its interest in the admission of the People's Republic of China to the World Trade Organization; the fundamental sense of fairness of the people of the United States warrants the United States Government's support for Taiwan's relatively more meritorious application for membership in the World Trade Organization.

(7) It is in the economic interest of United States consumers and exporters for Taiwan to complete the requirements for accession to the World Trade Organization at the earliest possible moment.

(b) CONGRESSIONAL STATEMENT.—The Congress favors public support by officials of the Department of State for the accession of Taiwan to the World Trade Organization.

AMENDMENT TO H.R. 1757, AS REPORTED

OFFERED BY MR. VENTO OF MINNESOTA

At the end of title XVII insert the following new section:

SEC. 1717. REPORTS AND POLICY CONCERNING HUMAN RIGHTS VIOLATIONS IN LAOS.

Within 180 days after the date of the enactment of this Act, the Secretary of State shall report to the appropriate congressional committees on the allegations of persecution and abuse of the Hmong and Laotian refugees who have returned to Laos. The report shall include:

(1) A full investigation, including full documentation of individual cases of persecution, of the Lao Government's treatment of

Hmong and Laotian refugees who have returned to Laos.

(2) The steps the State Department will take to continue to monitor any systematic human rights violations by the Government of Laos.

(3) The actions which the State Department will take to ensure the cessation of human rights violations.

AMENDMENT TO H.R. 1757 OFFERED BY MR. MENENDEZ

At the end of the bill add the following (and conform the table of contents accordingly):

TITLE . WITHHOLDING OF ASSISTANCE TO COUNTRIES THAT PROVIDE NUCLEAR FUEL TO CUBA

(a) IN GENERAL.—Section 620 of the Foreign Assistance Act of 1961 (22 U.S.C. 2370), as amended by this Act, is further amended by adding at the end the following:

"(y)(1) Except as provided in paragraph (2), the President shall withhold from amounts made available under this Act or any other Act and allocated for a country for a fiscal year an amount equal to the aggregate value of nuclear fuel and related assistance and credits provided by that country, or any entity of that country, to Cuba during the preceding fiscal year.

"(2) The requirement to withhold assistance for a country for a fiscal year under paragraph (1) shall not apply if Cuba—

"(A) has ratified the Treaty on the Non-Proliferation of Nuclear Weapons (21 UST 483) or the Treaty of Tlatelelco, and Cuba is in compliance with the requirements of either such Treaty;

"(B) has negotiated and is in compliance with full-scope safeguards of the International Atomic Energy Agency not later than two years after ratification by Cuba of such Treaty; and

"(C) incorporates and is in compliance with internationally accepted nuclear safety standards.

"(3) The Secretary of State shall prepare and submit to the Congress each year a report containing a description of the amount of nuclear fuel and related assistance and credits provided by any country, or any entity of a country, to Cuba during the preceding year, including the terms of each transfer of such fuel, assistance, or credits.".

(b) EFFECTIVE DATE.—Section 620(y) of the Foreign Assistance Act of 1961, as added by subsection (a), shall apply with respect to assistance provided in fiscal years beginning on or after the date of the enactment of this Act.

AMENDMENT OFFERED BY MR. MENENDEZ

At the end of bill add the following (and conform the table of contents accordingly):

Title . AVAILABILITY OF AMOUNTS FOR CUBAN LIBERTY AND DEMOCRATIC SOLIDARITY ACT OF 1996 AND THE CUBAN DEMOCRACY ACT OF 1992

Not less than $2,000,000 shall be made available under Chapter 4 of part II of the Foreign Assistance Act of 1961 (22 U.S.C. 2346; relating to economic support fund), for fiscal years 1998 to 1999 to carry out the programs and activities under the Cuban Liberty and Democratic Solidarity (LIBERTAD) Act of 1996 (22 U.S.C. 6021 et. seq.) and the Cuban Democracy Act of 1992 (22 U.S.C. 2001 et. seq.)

AMENDMENT TO H.R. 1757 OFFERED BY MR. GEJDENSON OF CONNECTICUT

Add the following new title to the end of the bill (and adjust the table of contents accordingly)

Title

It is the sense of Congress and the President of the United States should attempt to achieve the foreign policy goal of an international arms sales code of conduct with all Wassenaar Arrangement countries. The purpose of this goal shall be to achieve an agreement on restricting or prohibiting arms transfers to countries that:

(1) Do not respect democratic processes and the rule of law;

(2) Do not adhere to internationally-recognized norms on human rights; or

(3) Are engaged in acts of armed aggression.

AMENDMENT TO H.R. 1757 Offered by Mr. Traficant of Ohio

At the end of the bill add the following (and conform the table of contents accordingly):

DIVISION C—BUY-AMERICAN REQUIREMENTS

SEC. 2001. BUY-AMERICAN REQUIREMENTS.

(A) COMPLIANCE WITH BUY AMERICAN ACT.—None of the funds made available in this Act may be expended by an entity unless the entity agrees that is expending the funds the entity will consistent with International Trade Agreements implemented in U.S. Law, comply with the Buy American Act (41 U.S.C. 10a–10c).

(b) SENSE OF CONGRESS; REQUIREMENT REGARDING NOTICE.—

(1) PURCHASE OF AMERICAN-MADE REQUIREMENT AND PRODUCTS.—In the case of any equipment or product that may be authorized to be purchased with financial assistance provided using funds made available in this Act, it is the sense of the Congress that entities receiving the assistance should, in expending the assistance, purchase only American-made equipment and products.

(2) NOTICE TO RECIPIENTS OF ASSISTANCE.—In providing financial assistance using funds made available in this Act, the head of each Federal agency shall provide to each recipient of the assistance a notice describing the statement made in paragraph (1) by the Congress.

(c) PROBATION OF CONTRACTS WITH PERSONS FALSELY LABELING PRODUCTS AS MADE IN AMERICA.—If it has been finally determined by a court or Federal agency that any person intentionally affixed a label hearing a "Made in America" inscription, or any inscription with the same meaning, to any product sold in or shipped to the United States that is not made in the United States, the person shall be ineligible to receive any contract or subcontract made with funds made available in this Act, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations.

The SPEAKER pro tempore. The question is on the amendments offered by the gentleman from New York [Mr. GILMAN].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 292, noes 135, answered "present" 1, not voting 6, as follows:

[Roll No. 189]

AYES—292

Abercrombie
Ackerman
Allen
Andrews
Bachus
Baesler
Baldacci
Barcia
Barrett (WI)
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Boyd
Brown (OH)
Bryant
Bunning
Callahan
Calvert
Campbell
Capps
Cardin
Carson
Chabot
Chenoweth
Christensen
Clayton
Clement
Clyburn
Combest
Condit
Conyers
Costello
Cox
Coyne
Cramer
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Diaz-Balart
Dicks
Dingell
Dixon
Doggett
Dooley
Doyle
Dreier
Duncan
Edwards
Engel
Ensign
Eshoo
Etheridge
Evans
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Ganske
Gejdenson
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goodlatte
Goodling
Gordon
Goss
Green
Greenwood
Gutierrez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hefner
Hinchey
Hinojosa
Holden
Hooley
Horn
Houghton
Hoyer
Inglis
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kanjorski
Kaptur
Kasich
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
Kilpatrick
Kim
Kind (WI)
King (NY)
Kleczka
Klink
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Latham
LaTourette
Lazio
Leach
Levin
Lewis (GA)
Linder
Lipinski
Livingston
LoBiondo
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Manton
Manzullo
Markey
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McDermott
McGovern
McHale
McHugh
McInnis
McIntyre
McKinney
McNulty
Meehan
Menendez
Metcalf
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Pease
Pelosi
Peterson (MN)
Petri
Pickering
Pickett
Pomeroy
Porter
Portman
Poshard
Price (NC)
Quinn
Rahall
Ramstad
Rangel
Regula
Reyes
Riggs
Rivers
Rodriguez
Roemer
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sawyer
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Serrano
Sessions
Shaw
Shays
Sherman
Sisisky
Skeen
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith, Adam
Smith, Linda
Snyder
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stupak
Sununu
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thune
Thurman
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez

Vento
Visclosky
Walsh
Watt (NC)
Waxman
Weldon (FL)
Wexler
Weygand
White
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—135

Aderholt
Archer
Armey
Baker
Ballenger
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bilbray
Bliley
Blunt
Boehner
Bonilla
Bono
Brady
Brown (CA)
Brown (FL)
Burr
Burton
Buyer
Camp
Canady
Cannon
Castle
Chambliss
Clay
Coble
Coburn
Collins
Cook
Cooksey
Crane
Deal
DeLay
Dickey
Doolittle
Dunn
Ehlers
Ehrlich
Emerson
English
Everett
Gallegly
Gekas
Goode
Graham
Granger
Gutknecht
Hansen
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hilliard
Hobson
Hoekstra
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Istook
Jefferson
Jenkins
Johnson, Sam
Jones
Kelly
Kingston
Klug
Knollenberg
Largent
Lewis (CA)
Lewis (KY)
Lucas
McCrery
McDade
McIntosh
McKeon
Meek
Mica
Moran (KS)
Myrick
Norwood
Nussle
Pappas
Parker
Paul
Paxon
Payne
Peterson (PA)
Pitts
Pombo
Pryce (OH)
Radanovich
Redmond
Riley
Rogan
Rogers
Rohrabacher
Royce
Ryun
Sanford
Saxton
Scarborough
Sensenbrenner
Shadegg
Shimkus
Shuster
Skaggs
Smith (MI)
Smith (OR)
Snowbarger
Solomon
Souder
Spence
Stump
Talent
Thompson
Thornberry
Tiahrt
Wamp
Waters
Watkins
Watts (OK)
Weldon (PA)
Weller
Whitfield
Wicker
Young (AK)

ANSWERED "PRESENT"—1

DeFazio

NOT VOTING—6

Farr
Flake
Forbes
Martinez
Molinari
Schiff

□ 1514

Mr. WELDON of Pennsylvania and Mr. HILLEARY changed their vote from "aye" to "no."

Mr. WISE, Mr. DAVIS of Virginia, Mrs. ROUKEMA, and Messrs. McCOLLUM, KIM, PICKERING, and BARTLETT of Maryland changed their vote from "no" to "aye."

So the amendments were agreed to.

The result of the vote was announced as above recorded.

□ 1515

PARLIAMENTARY INQUIRY

Mr. MANZULLO. Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore (Mr. GOODLATTE). The gentleman will state his parliamentary inquiry.

Mr. MANZULLO. Mr. Speaker, I would ask that the Chair direct the Sergeant at Arms to lock the doors in order to keep the Members in the Chamber so we can finish voting here in 5 minutes.

Mr. SERRANO. I object.

The SPEAKER pro tempore. The Chair cannot order that at this point.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. SMITH of New Jersey:

In Title 17, add the following new section (and conform the table of contents accordingly):

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER 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. 190]

AYES—425

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (CA)
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
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
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
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)
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
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
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

DeFazio

NOT VOTING—8

Armey
Berman
Farr
Flake
Forbes
Molinari
Schiff
Thomas

□ 1523

Ms. HARMAN, Mrs. CLAYTON and Mr. CLAY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. LEWIS of California. Parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. LEWIS of California. Mr. Speaker, is the next vote on an amendment which was offered by my distinguished colleague from New York, Mr. SERRANO?

The SPEAKER pro tempore. The gentleman is correct.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. SERRANO:

At the end of title XVII (relating to foreign policy provisions) insert the following new section:

SEC. 1717. REPORT CONCERNING OFFICIAL COMPLAINTS OF THE GOVERNMENT OF CUBA TO THE GOVERNMENT OF THE UNITED STATES.

(a) REPORT TO CONGRESS.—Not later than 3 months after the date of the enactment of this Act, and each subsequent 3 months thereafter, the Secretary of State, after consultations with the heads of other Federal departments and agencies, shall submit to the Congress a report listing all complaints by the Government of Cuba to departments and agencies of the United States Government concerning actions taken by United States persons or the Government of the United States.

(b) UNITED STATES PERSON DEFINED.—As used in this section the term "United States person" means any—

(1) United States citizen or national;

(2) permanent resident alien; or

(3) juridical person organized under the laws of the United States.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. SERRANO].

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 141, noes 287, not voting 6, as follows:

[Roll No. 191]

AYES—141

Abercrombie
Ackerman
Allen
Baesler
Baldacci
Barrett (WI)
Becerra
Berry
Bishop
Blumenauer
Bonior
Boswell
Boucher
Brown (CA)
Brown (OH)
Capps
Carson
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Costello
Coyne
Cummings
Davis (IL)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Dicks
Dingell
Dixon
Doggett
Dooley
Eshoo
Etheridge
Evans
Fattah
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frost
Furse
Gejdenson
Gonzalez
Hall (OH)
Hall (TX)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hooley
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
John
Johnson, E. B.
Kanjorski
Kennelly
Kilpatrick
Kleczka
Klink
Kucinich
LaFalce
Lantos
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (NY)
Markey
Martinez
Matsui
McDermott
McGovern
McHale
McKinney
Meehan
Meek
Millender-McDonald
Miller (CA)
Minge
Mink
Moakley
Moran (VA)
Nadler
Neal
Oberstar
Obey
Olver
Owens
Pastor
Payne
Pelosi
Poshard
Price (NC)
Rangel
Rivers
Rodriguez
Roemer
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sawyer
Schumer
Scott
Serrano
Skaggs
Slaughter
Snyder
Stabenow
Stark
Stenholm
Stokes
Tauscher
Taylor (MS)
Thompson
Tierney
Torres
Towns
Turner
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weygand
Woolsey
Wynn
Yates

NOES—287

Aderholt
Andrews
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berman
Bilbray
Bilirakis
Blagojevich
Bliley
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boyd
Brady
Brown (FL)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLay
Deutsch
Diaz-Balart
Dickey
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Everett
Ewing
Fawell
Foley
Fowler
Fox
Franks (NJ)
Frelinghuysen
Gallegly
Ganske
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Holden
Horn
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kildee
Kim
Kind (WI)
King (NY)
Kingston
Klug
Knollenberg
Kolbe
LaHood
Lampson
Largent
Latham
LaTourette
Lazio
Leach
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Maloney (CT)
Manton
Manzullo
Mascara
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Miller (FL)
Mollohan
Moran (KS)
Morella
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Ortiz
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Ryun
Salmon
Sandlin
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauzin
Taylor (NC)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Traficant
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
White
Whitfield
Wicker
Wise
Wolf
Young (AK)
Young (FL)

NOT VOTING—6

Farr
Flake
Forbes
Molinari
Royce
Schiff

□ 1535

Messrs. TAYLOR of North Carolina, McINTYRE, and SPRATT changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following noncontroversial amendments be considered en bloc:

The Fox of Pennsylvania amendment regarding Ukraine;

the Lazio of New York amendment regarding child and spousal support obligations;

the Scarborough amendment regarding Sudan;

the Nethercutt amendment regarding release of hostages in India;

the Fox of Pennsylvania amendment regarding Romania in NATO;

the Ney amendment regarding assistance to Libya; and

the Paxon-Engel-Saxton amendment regarding Palestinian land sales.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. FOX of Pennsylvania:

At the end of title XVII insert the following new section:

SEC. 1717. SENSE OF CONGRESS CONCERNING ASSISTANCE FOR UKRAINE.

(a) IN GENERAL.—It is the sense of the Congress that—

(1) the Government and nation of Ukraine are to be commended for their decision to relinquish the nuclear weapons in the possession of Ukraine after the demise of the former Soviet Union;

(2) the Government of Ukraine is to be commended for its recent announcement that Ukrainian enterprises will not participate in the construction of nuclear reactors in Iran;

(3) the Government of Ukraine is to be commended for taking a positive and cooperative position with regard to the admission into the NATO alliance of new member-states in Central and Eastern Europe, particularly Ukraine's willingness to negotiate a bilateral charter with that alliance;

(4) the Government of Ukraine is to be commended for its efforts to ensure that the Russian-dominated Commonwealth of Independent States organization does not serve as a means to reintegrate the independent states of the former Soviet Union into a new political entity under Russian leadership and occupying the territory that comprised the former Soviet Union;

(5) the Government of Ukraine should immediately move to ensure that United States investors who have been subjected to extortion, fraud, or other criminal activity, or to inappropriate, corrupt activities carried out by officials or representatives of the Ukrainian Government, are provided with full restitution or compensation for their losses;

(6) the nation and Government of Ukraine are to be commended for the adoption of a democratic constitution, the conduct of free and fair elections, and the peaceful transfer of executive power since Ukraine gained its independence in 1991; and

(7) the President should respond positively to any request made by the government of Ukraine for United States government agencies assistance and involvement in the implementation of additional programs to fight corruption in Ukraine and to ensure that American investors in that country are not subjected to unfair, inappropriate, or criminal practices on the part of officials of the Government of Ukraine or any citizens of Ukraine.

(b) AVAILABILITY OF AMOUNTS FOR UKRAINE.—It is further the sense of the Congress that the President should ensure that Ukraine receives assistance for fiscal years 1998 and 1999 for political and economic reforms at a level equal to that allocated to Ukraine for fiscal year 1997.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 415, noes 12, not voting 7, as follows:

[Roll No. 192]

AYES—415

Abercrombie
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
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
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
Foglietta
Foley
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
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
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
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
Paxon
Payne
Pelosi
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
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—12

Becerra
Buyer
DeFazio
Filner
Hamilton
Kanjorski
McDermott
Obey
Pastor
Paul
Pease
Rahall

NOT VOTING—7

Farr
Flake
Forbes
Molinari
Mollohan
Peterson (MN)
Schiff

□ 1544

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1545

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. LAZIO of New York:

At the end of title XVII (relating to foreign policy provisions) insert the following:

SEC. 1717. SENSE OF CONGRESS REGARDING COMPLIANCE WITH CHILD AND SPOUSAL SUPPORT OBLIGATIONS BY UNITED NATIONS PERSONNEL.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) all United Nations staff, including diplomats, should comply with binding United States Federal, State, and local court orders regarding child and spousal support obligations;

(2) the internal regulations of the United Nations allows—

(A) the United Nations to release staff salary information to the courts in spousal and child support cases;

(B) the Secretary General to authorize deduction of dependency related allowances from staff salary;

(C) the United Nations to cooperate with appropriate authorities to facilitate proper legal or judicial resolution of the family's claim.

(b) CONGRESSIONAL STATEMENT.—The Secretary of State should urge the United Nations to fully comply with regulations regarding compliance with child and spousal support obligations by United Nations personnel, in a timely manner and to the fullest extent possible.

(c) LIMITATION ON PAYMENT OF ARREARAGES TO THE UNITED NATIONS.—Notwithstanding any other provision of this Act, of funds appropriated for the payment of United States arrearages to the United Nations out of funds authorized to be appropriated by this Act, $10,000,000 shall not be available until the Secretary of State certifies that—

(1) the United Nations is actively enforcing child and spousal support payments in compliance with Federal, State, and local court orders; and

(2) the United Nations is actively reforming its pension policy, making the United Nations pension fund subject to Federal, State, or local court orders of spousal or child support.

The Speaker pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. LAZIO].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a five-minute vote.

The vote was taken by electronic device, and there were—ayes 387, noes 38, not voting 9, as follows:

[Roll No. 193]

AYES—387

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baesler
Baker
Baldacci
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Bentsen
Bereuter
Berry
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonilla
Bono
Borski
Boswell
Boucher
Boyd
Brady
Brown (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clay
Clayton
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dixon
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
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
Hinchey
Hinojosa
Hobson
Hoekstra
Holden
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
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
McGovern
McHale
McHugh
McInnis
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Minge
Mink
Moakley
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paxon
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
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
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
Vento
Visclosky
Walsh
Wamp
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (AK)
Young (FL)

NOES—38

Becerra
Berman
Bonior
Brown (CA)
Campbell
Capps
Carson
Clement
Conyers
Davis (FL)
Dellums
Dingell
Dooley
Eshoo
Filner
Foglietta
Furse
Hamilton
Hilliard
Jackson (IL)
Johnson (WI)
Johnson, E. B.
Kilpatrick
McDermott
Miller (CA)
Obey
Olver
Paul
Payne
Rahall
Rivers
Roybal-Allard
Sanders
Scott
Skaggs
Velázquez
Waters
Watt (NC)

NOT VOTING—9

Doggett
Farr
Flake
Forbes
Goodling
McIntosh
Molinari
Mollohan
Schiff

□ 1752

So the amendment was agreed to.

The result of the vote was announced as above recorded.

PARLIAMENTARY INQUIRY

Mr. TIAHRT. I have a parliamentary inquiry, Mr. Speaker.

The SPEAKER pro tempore. The gentleman will state his parliamentary inquiry.

Mr. TIAHRT. Would it be in order for us to reconsider the Frank Sinatra congressional award, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has not stated a proper parliamentary inquiry.

The Clerk will report the next amendment on which a separate vote has been demanded.

The Clerk read as follows:

Amendment offered by Mr. SMITH of New Jersey:

Insert at the end of the bill the following new title:

TITLE . UNITED STATES POLICY WITH RESPECT TO FORCED ABORTION AND FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION

SEC. . FOREIGN ORGANIZATIONS THAT PERFORM OR PROMOTE ABORTION.

Section 104 of the Foreign Assistance Act of 1961. Public Law 87–195, is amended by the addition of the following subject.

"(h) RESTRICTION ON ASSISTANCE TO FOREIGN ORGANIZATIONS THAT PERFORM OR ACTIVELY PROMOTE ABORTIONS.—

"(1) PERFORMANCE OF ABORTIONS.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will not, during the period for which the funds are made available, perform abortions in any foreign country, except where the life of the mother would be endangered if the pregnancy were carried to term or in cases of forcible rape or incest.

"(b) Paragraph (a) may not be construed to apply to the treatment of injuries or illnesses caused by legal or illegal abortions or to assistance provided directly to the government of a country.

"(2) LOBBYING ACTIVITIES.—

"(a) Notwithstanding section 614 of this Act or any other provision of law, no funds appropriated for population planning activities or other population assistance may be made available for any foreign private, nongovernmental, or multilateral organization until the organization certifies that it will

not, during the period for which the funds are made available, violate the laws of any foreign country concerning the circumstances under which abortion is permitted, regulated, or prohibited, or engage in any activity or effort to alter the laws or governmental policies of any foreign county concerning the circumstances under which abortion is permitted, regulated or prohibited.

"(b) Paragraph (a) shall not apply to activities in opposition to coercive abortion or involuntary sterilization.

"(3) The prohibitions of this subsection apply to funds made available to a foreign organization either directly or as a subcontractor or sub-grantee, and the required certifications apply to activities in which the organization engages either directly or through a subcontractor or sub-grantee."

SEC. . FORCED ABORTION IN THE PEOPLE'S REPUBLIC OF CHINA.

Section 301 of the Foreign Assistance Act of 1961, Public Law 87-195, is amended by the addition of the following new subsection:

"(i) LIMITATION RELATING TO FORCED ABORTIONS IN THE PEOPLE'S REPUBLIC OF CHINA.—Notwithstanding section 614 of this Act or any other provision of law, no funds may be made available for the United Nations Population Fund (UNFPA) in any fiscal year unless the President certifies that (1) UNFPA has terminated all activities in the People's Republic of China, and the United States has received assurances that UNFPA will conduct no such activities during the fiscal year for which the funds are to be made available; or (2) during the 12 months preceding such certification there have been no abortions as the result of coercion associated with the family planning policies of the national government or other governmental entities within the People's Republic of China. As used in this section the term "coercion" includes physical duress or abuse, destruction or confiscation of property, loss of means of livelihood, or severe psychological pressure."

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New Jersey [Mr. SMITH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 234, noes 193, not voting 7, as follows:

[Roll No. 194]

AYES—234

Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Bartlett
Barton
Bateman
Bereuter
Berry
Biliraki
Bliley
Blunt
Boehner
Bonilla
Bonior
Bono
Borski
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Canady
Cannon
Chabot
Chambliss
Chenoweth
Christensen
Coble
Coburn
Collins
Combest
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Deal
DeLay
Diaz-Balart
Dickey
Dingell
Doolittle
Doyle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Foley
Fowler
Fox
Gallegly
Ganske
Gekas
Gibbons
Gillmor
Goode
Goodlatte
Goodling
Goss
Graham
Granger
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hoekstra
Holden
Hostettler
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jenkins
John
Johnson, Sam
Jones
Kanjorski
Kaptur
Kasich
Kildee
Kim
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kucinich
LaFalce
LaHood
Largent
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Manton
Manzullo
Mascara
McCollum
McCrery
McDade
McHugh
McInnis
McIntosh
McIntyre
McKeon
Metcalf
Mica
Miller (FL)
Moakley
Moran (KS)
Murtha
Myrick
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Ortiz
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Quinn
Radanovich
Rahall
Redmond
Regula
Riggs
Riley
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Stearns
Stenholm
Stump
Stupak
Sununu
Talent
Tauzin
Taylor (MS)
Taylor (NC)
Thornberry
Thune
Tiahrt
Traficant
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Weygand
Whitfield
Wicker
Wolf
Young (AK)
Young (FL)

NOES—193

Abercrombie
Ackerman
Allen
Andrews
Baesler
Baldacci
Barrett (WI)
Bass
Becerra
Bentsen
Berman
Bilbray
Bishop
Blagojevich
Blumenauer
Boehlert
Boswell
Boucher
Boyd
Brown (CA)
Brown (FL)
Brown (OH)
Campbell
Capps
Cardin
Carson
Castle
Clay
Clayton
Clement
Clyburn
Condit
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
Davis (VA)
DeFazio
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dixon
Doggett
Dooley
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Fattah
Fawell
Fazio
Filner
Foglietta
Ford
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gejdenson
Gephardt
Gilchrest
Gilman
Gonzalez
Gordon
Green
Greenwood
Gutierrez
Harman
Hastings (FL)
Hefner
Hilliard
Hinchey
Hinojosa
Hobson
Hooley
Horn
Houghton
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (CT)
Johnson (WI)
Johnson, E. B.
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
Klug
Kolbe
Lampson
Lantos
Lazio
Leach
Levin
Lewis (GA)
Lofgren
Lowey
Luther
Maloney (CT)
Maloney (NY)
Markey
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDermott
McGovern
McHale
McKinney
McNulty
Meehan
Meek
Menendez
Millender-McDonald
Miller (CA)
Minge
Mink
Moran (VA)
Morella
Nadler
Neal
Olver
Owens
Pallone
Pascrell
Pastor
Payne
Pickett
Pomeroy
Porter
Price (NC)
Pryce (OH)
Ramstad
Rangel
Reyes
Rivers
Rodriguez
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sanders
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith, Adam
Snyder
Spratt
Stabenow
Stark
Stokes
Strickland
Tanner
Tauscher
Thomas
Thompson
Thurman
Tierney
Torres
Towns
Turner
Upton
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Wexler
White
Wise
Woolsey
Wynn
Yates

NOT VOTING—7

Farr
Flake
Forbes
Molinari
Mollohan
Pelosi
Schiff

□ 1602

So the amendment was agreed to.

The result of the vote was announced as above recorded.

(Mr. SOLOMON asked and was given permission to speak out of order for 1 minute.)

ANNOUNCEMENT ON SUPPLEMENTAL APPROPRIATION

Mr. SOLOMON. Mr. Speaker, for the purpose of making an announcement about the supplemental appropriation bill, I want to ask the Committee on Rules members to cast their vote early on the next vote and then come up to the Committee on Rules so that we may have an emergency meeting on the supplemental appropriation bill.

I would also just say that I have suggested to the leadership that this bill has to be finished tonight and maybe, with the committees meeting in other buildings, that we ought to perhaps recess for 2 or 3 hours and come back here at about 8 or 9 and then finish the bill around midnight.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following amendments be considered en bloc:

Scarborough amendment regarding Sudan; Nethercutt amendment regarding release of hostages in India, Fox of Pennsylvania amendment regarding Romania and NATO, Ney amendment regarding assistance to Libya, Paxon-Engel-Saxton amendment regarding Palestinian land sales.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is 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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. GILMAN].

The amendment was agreed to.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment 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.

(b) 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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Florida [Mr. SCARBOROUGH].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

PARLIAMENTARY INQUIRY

Mr. ACKERMAN (during the vote). Mr. Speaker, I have a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. ACKERMAN. Mr. Speaker, on which amendment is the Chair asking for a recorded vote?

The SPEAKER pro tempore. The chair just put the question on the Scarborough amendment. The Chair announced that the Gilman amendment was adopted by voice vote. This is a vote on the Scarborough amendment.

The Chair is responding during the vote since a rollcall is under way, as to the conduct of the current vote.

The vote was taken by electronic device, and there were—ayes 410, noes 12, not voting 12, as follows:

[Roll No 195]

AYES—410

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
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
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
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
Ford
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Furse
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
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
McGovern
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
McNulty
Meehan
Meek
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
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
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
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Thomas
Thompson
Thornberry
Thune
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 (FL)

NOES—12

Campbell
Conyers
DeFazio
Harman
Hinchey
Kucinich
LaFalce
McDermott
Paul
Rahall
Stark
Watt (NC)

NOT VOTING—12

Armey
Farr
Flake
Forbes
Fox
Greenwood
Molinari
Mollohan
Pelosi
Schiff
Taylor (NC)
Young (AK)

□ 1612

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment offered by Mr. NETHERCUTT: At the end of title XVII insert the following section:

SEC. 1717. 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, and 4 Western Europeans in the territory of Jammu and Kashmir, India.

(3) Al-Faran has threatened to kill Donald Hutchings and the 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 4 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 4 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, India;

(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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Washington [Mr. NETHERCUTT].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 423, noes 0, not voting 11, as follows:

[Roll No. 196]

AYES—423

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
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
Edwards
Ehlers
Ehrlich
Emerson
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
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)
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
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Minge
Mink
Moakley
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
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
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
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)

NOT VOTING—11

Armey
Dunn
Farr
Flake
Forbes
Metcalf
Molinari
Mollohan
Pelosi
Schiff
Skaggs

□ 1621

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that the following amendments be considered en bloc:

Miller amendment, as amended by Diaz-Balart, regarding Cuban cigars; Fox of Pennsylvania amendment regarding Romania and NATO; Ney amendment regarding assistance to Libya; Rohrabacher amendment regarding Russian arms transfers to China; and the Paxon-Engel-Saxton amendment regarding Palestinian land sales.

The SPEAKER pro tempore (Mr. GOODLATTE). Is there objection to the request of the gentleman from New York?

Mr. SERRANO. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment, as amended, is as follows:

Amendment offered by Mr. MILLER of California, as amended:

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, 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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. MILLER], as amended.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 366, noes 59, not voting 9, as follows:

[Roll No. 197]

AYES—366

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 (FL)
Brown (OH)
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Cardin
Carson
Chabot
Chambliss
Chenoweth
Christensen
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (VA)
Deal
DeLauro
DeLay
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fawell
Fazio
Filner
Foley
Ford
Fowler
Fox
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
Hefley
Hefner
Herger
Hill
Hilleary
Hinojosa
Hobson
Hoekstra
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hutchinson
Hyde
Inglis
Istook
Jackson-Lee (TX)
Jenkins
John
Johnson (CT)
Johnson (WI)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kennedy (MA)
Kennedy (RI)
Kennelly
Kildee
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
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDade
McDermott
McHugh
McInnis
McIntosh
McIntyre
McKeon
McNulty
Menendez
Metcalf
Mica
Millender-McDonald
Miller (CA)
Miller (FL)
Moran (KS)
Moran (VA)
Morella
Myrick
Neal
Neumann
Ney
Northup
Norwood
Nussle
Oberstar
Obey
Olver
Ortiz
Owens
Oxley
Packard
Pallone
Pappas
Parker
Pascrell
Pastor
Paul
Paxon
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Poshard
Price (NC)
Pryce (OH)
Quinn
Radanovich
Rahall
Ramstad
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Royce
Ryun
Salmon
Sanchez
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
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
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Torres
Towns
Traficant
Turner
Upton
Vento
Walsh
Wamp
Watts (OK)
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Yates
Young (FL)

NOES—59

Abercrombie
Becerra
Brown (CA)
Castle
Clay
Clayton
Conyers
Coyne
Davis (IL)
DeFazio
DeGette
Delahunt
Dellums
Dooley
Ehlers
Fattah
Foglietta
Furse
Hilliard
Hinchey
Holden
Jackson (IL)
Jefferson
Johnson, E. B.
Kanjorski
Kilpatrick
Kleczka
Kucinich
Lewis (GA)
Lucas
McGovern
McHale
McKinney
Meek
Minge
Mink
Moakley
Murtha
Nadler
Nethercutt
Payne
Rangel
Roybal-Allard
Rush
Sabo
Sanders
Serrano
Skaggs
Smith (MI)
Snyder
Stokes
Tierney
Velázquez
Visclosky
Waters
Watkins
Watt (NC)
Waxman
Young (AK)

NOT VOTING—9

Emerson
Farr
Flake
Forbes
Hunter
Meehan
Molinari
Mollohan
Schiff

□ 1629

Mr. MOAKLEY changed his vote from "aye" to "no."

So the amendment, as amended, was agreed to.

The result of the vote was announced as above recorded.

□ 1630

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is 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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Pennsylvania [Mr. FOX].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 417, noes 10, not voting 7, as follows:

[Roll No. 198]

AYES—417

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
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crapo
Cubin
Cummings
Cunningham
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
Dellums
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Dunn
Edwards
Ehlers
Ehrlich
Engel
English
Ensign
Eshoo
Etheridge
Evans
Everett
Ewing
Fattah
Fawell
Fazio
Filner
Foglietta
Foley
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)
Hamilton
Hansen
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayworth
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
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
Rahall
Ramstad
Rangel
Redmond
Regula
Reyes
Riggs
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
Waters
Watkins
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
White
Whitfield
Wicker
Wise
Wolf
Woolsey
Wynn
Young (AK)
Young (FL)

NOES—10

Condit
Conyers
Danner
Duncan
Hefley
Obey
Paul
Sabo
Watt (NC)
Yates

NOT VOTING—7

Emerson
Farr
Flake
Forbes
Molinari
Radanovich
Schiff

□ 1639

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is 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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Ohio [Mr. NEY].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 427, noes 0, not voting 7, as follows:

[Roll No. 199]

AYES—427

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
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
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)
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
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryun
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Schumer
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Shimkus
Shuster
Sisisky
Skaggs
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (OR)
Smith (TX)
Smith, Adam
Smith, Linda
Snowbarger
Snyder
Solomon
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Stokes
Strickland
Stump
Stupak
Sununu
Talent
Tanner
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Thomas
Thompson
Thornberry
Thune
Thurman
Tiahrt
Tierney
Torres
Towns
Traficant
Turner
Upton
Velázquez
Vento
Visclosky
Walsh
Wamp
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)

NOT VOTING—7

Bonior
Farr
Flake
Forbes
Molinari
Schiff
Waters

□ 1648

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will designate the next amendment on which a separate vote has been demanded.

The text of the amendment is 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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from California [Mr. ROHRABACHER].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 244, noes 184, not voting 6, as follows:

[Roll No. 200]

AYES—244

Abercrombie
Aderholt
Archer
Armey
Bachus
Baker
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bateman
Bilbray
Blunt
Boehner
Bonilla
Bono
Boyd
Brady
Bryant
Bunning
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Cardin
Castle
Chabot
Chambliss
Chenoweth
Christensen
Clement
Coble
Coburn
Collins
Combest
Condit
Cook
Cooksey
Costello
Cox
Cramer
Crane
Crapo
Cubin
Cunningham
Danner
Davis (VA)
Deal
DeFazio
DeLay
Diaz-Balart
Dickey
Doggett
Doolittle
Dreier
Duncan
Dunn
Ehlers
Emerson
English
Ensign
Everett
Ewing
Fattah
Fawell
Foley
Fowler
Fox
Franks (NJ)
Gallegly
Ganske
Gibbons
Gilchrest
Gillmor
Goode
Goodlatte
Goodling
Gordon
Graham
Granger
Green
Greenwood
Gutierrez
Gutknecht
Hall (TX)
Hansen
Hastert
Hastings (WA)
Hayworth
Hefley
Herger
Hill
Hilleary
Hinchey
Hobson
Hoekstra
Holden
Hostettler
Houghton
Hulshof
Hunter
Hutchinson
Hyde
Inglis
Istook
Jefferson
Jenkins
Johnson (CT)
Johnson, Sam
Jones
Kaptur
Kasich
Kelly
Kildee
Kim
Kingston
Kleczka
Klug
Largent
Latham
LaTourette
Leach
Lewis (KY)
Linder
Lipinski
Livingston
LoBiondo
Lucas
Luther
Manzullo
Markey
Mascara
McCollum
McCrery
McHale
McHugh
McInnis
McIntosh
McIntyre
McKeon
McKinney
Meehan
Metcalf
Mica
Miller (CA)
Miller (FL)
Moran (KS)
Myrick
Neal
Nethercutt
Neumann
Ney
Northup
Norwood
Nussle
Oxley
Packard
Pappas
Parker
Paul
Paxon
Pease
Pelosi
Peterson (PA)
Petri
Pickering
Pitts
Pombo
Portman
Poshard
Pryce (OH)
Quinn
Radanovich
Ramstad
Redmond
Riggs
Riley
Rivers
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Royce
Ryun
Salmon
Sanders
Sanford
Saxton
Scarborough
Schaefer, Dan
Schaffer, Bob
Sensenbrenner
Sessions
Shadegg
Shaw
Shimkus
Shuster
Skeen
Skelton
Smith (OR)
Smith (TX)
Smith, Linda
Snowbarger
Solomon
Souder
Spence
Spratt
Stearns
Stenholm
Stump
Sununu
Talent
Tanner
Tauzin
Taylor (MS)
Thomas
Thornberry
Thune
Thurman
Tiahrt
Tierney
Traficant
Turner
Upton
Walsh
Wamp
Watkins
Watts (OK)
Weldon (FL)
Weller
Whitfield
Wicker
Wolf
Wynn
Young (AK)
Young (FL)

NOES—184

Ackerman
Allen
Andrews
Baesler
Baldacci
Bass
Becerra
Bentsen
Bereuter
Berman
Berry
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Boehlert
Bonior
Borski
Boswell
Boucher
Brown (CA)
Brown (FL)
Brown (OH)
Capps
Carson
Clay
Clayton
Clyburn
Conyers
Coyne
Cummings
Davis (FL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dellums
Deutsch
Dicks
Dingell
Dixon
Dooley
Doyle
Edwards
Ehrlich
Engel
Eshoo
Etheridge
Evans
Fazio
Filner
Foglietta
Ford
Frank (MA)
Frelinghuysen
Frost
Furse
Gejdenson
Gekas
Gephardt
Gilman
Gonzalez
Goss
Hall (OH)
Hamilton
Harman
Hastings (FL)
Hefner
Hilliard
Hinojosa
Hooley
Horn
Hoyer
Jackson (IL)
Jackson-Lee (TX)
John
Johnson (WI)
Johnson, E.B.
Kanjorski
Kennedy (MA)
Kennedy (RI)
Kennelly
Kilpatrick
Kind (WI)
King (NY)
Klink
Knollenberg
Kolbe
Kucinich
LaFalce
LaHood
Lampson
Lantos
Levin
Lewis (CA)
Lewis (GA)
Lofgren
Lowey
Maloney (CT)
Maloney (NY)
Manton
Martinez
Matsui
McCarthy (MO)
McCarthy (NY)
McDade
McDermott
McGovern
McNulty
Meek
Menendez
Millender-McDonald
Minge
Mink
Moakley
Mollohan
Moran (VA)
Morella
Murtha
Nadler
Oberstar
Obey
Olver
Ortiz
Owens
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Pickett
Pomeroy
Porter
Price (NC)
Rahall
Rangel
Regula
Reyes
Rodriguez
Roemer
Rothman
Roukema
Roybal-Allard
Rush
Sabo
Sanchez
Sandlin
Sawyer
Schumer
Scott
Serrano
Shays
Sherman
Sisisky
Skaggs
Slaughter
Smith (MI)
Smith (NJ)
Smith, Adam
Snyder
Stabenow
Stark
Stokes
Strickland
Stupak
Tauscher
Taylor (NC)
Thompson
Torres
Towns
Velázquez
Vento
Visclosky
Waters
Watt (NC)
Waxman
Weldon (PA)
Wexler
Weygand
White
Wise
Woolsey
Yates

NOT VOTING—6

Farr
Flake
Forbes
Lazio
Molinari
Schiff

□ 1658

Mrs. CLAYTON, Mr. PETERSON of Minnesota, and Mr. PALLONE changed their vote from "aye" to "no."

Mr. NEAL of Massachusetts changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

□ 1700

The SPEAKER pro tempore (Mr. GOODLATTE). The Clerk will report the last amendment on which a separate vote has been demanded.

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 judgment 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.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from New York [Mr. PAXON].

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. SERRANO. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This is a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 425, noes 0, answered "present" 3, not voting 6, as follows:

[Roll No. 201]

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
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Jackson (IL)
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Johnson (CT)
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Johnson, E. B.
Johnson, Sam
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Kanjorski
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Kelly
Kennedy (MA)
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Kind (WI)
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Miller (CA)
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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	Thompson	Watts (OK)
Spence	Thornberry	Waxman
Spratt	Thune	Weldon (FL)
Stabenow	Thurman	Weldon (PA)
Stark	Tiahrt	Weller
Stearns	Tierney	Wexler
Stenholm	Torres	Weygand
Stokes	Towns	White
Strickland	Traficant	Whitfield
Stump	Turner	Wicker
Stupak	Upton	Wise
Sununu	Velázquez	Wolf
Talent	Vento	Woolsey
Tanner	Visclosky	Wynn
Tauscher	Walsh	Yates
Tauzin	Wamp	Young (AK)
Taylor (MS)	Waters	Young (FL)
Taylor (NC)	Watkins	
Thomas	Watt (NC)	

ANSWERED "PRESENT"—3

Bonior	Paul	Rahall

NOT VOTING—6

Farr	Forbes	Molinari
Flake	McIntosh	Schiff

□ 1706

Mr. THUNE changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

WAIVING REQUIREMENT OF CLAUSE 4(b) OF RULE XI WITH RESPECT TO SAME DAY CONSIDERATION OF CERTAIN RESOLUTIONS

Mr. GOSS, from the Committee on Rules, submitted a privileged report (Rept. No. 105–128) on the resolution (H. Res. 165) waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules, which was referred to the House Calendar and ordered to be printed.

EUROPEAN SECURITY ACT OF 1997

Mr. GILMAN. Mr. Speaker, pursuant to House Resolution 159, I call up the bill (H.R. 1758) to ensure that the enlargement of the North Atlantic Treaty Organization [NATO] proceeds in a manner consistent with United States interests, to strengthen relations between the United States and Russia, to preserve the prerogatives of the Congress with respect to certain arms control agreements, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of H.R. 1758 is as follows:

H.R. 1758

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 "European Security Act of 1997".

SEC. 2. STATEMENTS OF POLICY.

The Congress declares the following to be the policy of the United States:

(1) POLICY WITH RESPECT TO NATO ENLARGEMENT.—(A) The emerging democracies in Central and Eastern Europe that will be invited to begin accession negotiations with the North Atlantic Treaty Organization (NATO) at the NATO summit in Madrid on July 8 and 9, 1997, should not be the last such countries invited to join NATO.

(B) The United States should seek to ensure that the NATO leaders assembled in Madrid agree on a process whereby all other emerging democracies in Central and Eastern Europe that wish to join NATO will be considered for membership in NATO as soon as they meet the criteria for such membership.

(2) POLICY WITH RESPECT TO NEGOTIATIONS WITH RUSSIA.—(A) NATO enlargement should be carried out in such a manner as to underscore the Alliance's defensive nature and demonstrate to Russia that NATO enlargement will enhance the security of all countries in Europe, including Russia. Accordingly, the United States and its NATO Allies should make this intention clear in the negotiations with Russia, including those regarding adaptation of the Conventional Armed Forces in Europe (CFE) Treaty of November 19, 1990.

(B) In seeking to demonstrate to Russia NATO's defensive and security-enhancing intentions, it is essential that neither fundamental United States security interests in Europe nor the effectiveness and flexibility of NATO as a defensive alliance be jeopardized. In particular, no commitments should be made to Russia that would have the effect of—

(i) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(ii) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(iii) providing any international organization, or any country that is not a member of NATO, with authority to review, delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(iv) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance.

(C) In order to enhance security and stability in Europe, the United States should seek commitments from the Russian Federation—

(i) to demarcate and respect all its borders with neighboring states;

(ii) to station its armed forces on the territory of other states only with the consent of such states and in strict accordance with international law; and

(iii) to take steps to reduce nuclear and conventional forces in Kaliningrad.

(D) As negotiations on adaptation of the Conventional Armed Forces in Europe (CFE) Treaty proceed, the United States should engage in close and continuous consultations not only with its NATO allies, but also with the emerging democracies of Central and Eastern Europe, Ukraine, and the newly independent states of the Caucasus region.

(3) POLICY WITH RESPECT TO BALLISTIC MISSILE DEFENSE COOPERATION WITH RUSSIA.—(A) As the United States proceeds with efforts to develop defenses against ballistic missile attack, it should seek to foster a climate of cooperation with Russia on matters related to missile defense. In particular, the United States and its NATO allies should seek to cooperate with Russia in such areas as early warning and technical aspects of ballistic missile defense.

(B) Even as the Congress seeks to promote ballistic missile defense cooperation with Russia, it must insist on its constitutional prerogatives regarding consideration of arms control agreements with Russia that bear on ballistic missile defense.

SEC. 3. AUTHORITIES RELATING TO NATO ENLARGEMENT.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(1).

(b) DESIGNATION OF ADDITIONAL COUNTRIES ELIGIBLE FOR NATO ENLARGEMENT ASSISTANCE.—

(1) DESIGNATION OF ADDITIONAL COUNTRIES.—Effective 180 days after the date of the enactment of this Act, Romania, Estonia, Latvia, and Lithuania are each designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act, except that any such country shall not be so designated if, prior to such effective date, the President certifies to the Committee on International Relations of the House of Representatives and the Committee on Foreign Relations of the Senate that the country fails to meet the criteria under section 203(d)(3) of the NATO Participation Act of 1994.

(2) RULE OF CONSTRUCTION.—The designation of countries pursuant to paragraph (1) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(A) is in addition to the designation of other countries by law or pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act; and

(B) shall not preclude the designation by the President of other emerging democracies in Central and Eastern Europe pursuant to section 203(d)(2) of such Act as eligible to receive assistance under the program established under section 203(a) of such Act.

(3) SENSE OF THE CONGRESS.—It is the sense of the Congress that Romania, Estonia, Latvia, and Lithuania—

(A) are to be commended for their progress toward political and economic reform and meeting the guidelines for prospective NATO members;

(B) would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members; and

(C) upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date.

(c) REGIONAL AIRSPACE INITIATIVE AND PARTNERSHIP FOR PEACE INFORMATION MANAGEMENT SYSTEM.—

(1) IN GENERAL.—Funds described in paragraph (2) are authorized to be made available to support the implementation of the Regional Airspace Initiative and the Partnership for Peace Information Management System, including—

(A) the procurement of items in support of these programs; and

(B) the transfer of such items to countries participating in these programs.

(2) FUNDS DESCRIBED.—Funds described in this paragraph are funds that are available—

(A) during any fiscal year under the NATO Participation Act of 1994 with respect to countries eligible for assistance under that Act; or

(B) during fiscal year 1998 under any Act to carry out the Warsaw Initiative.

(d) EXTENSION OF AUTHORITY REGARDING EXCESS DEFENSE ARTICLES.—Section 105 of Public Law 104-164 (110 Stat. 1427) is amended by striking "1996 and 1997" and inserting "1997, 1998, and 1999".

(e) CONFORMING AMENDMENTS TO THE NATO PARTICIPATION ACT OF 1994.—Section 203(c) of the NATO Participation Act of 1994 is amended—

(1) in paragraph (1), by striking ", without regard to the restrictions" and all that follows and inserting a period;

(2) by striking paragraph (2);

(3) in paragraph (6), by striking "appropriated under the 'Nonproliferation and Disarmament Fund' account" and inserting "made available for the 'Nonproliferation and Disarmament Fund'";

(4) in paragraph (8)—

(A) by striking "any restrictions in sections 516 and 519" and inserting "section 516(e)";

(B) by striking "as amended,"; and

(C) by striking "paragraphs (1) and (2)" and inserting "paragraph (1)"; and

(5) by redesignating paragraphs (3) through (8) as paragraphs (2) through (7), respectively.

SEC. 4. AUTHORITIES RELATING TO THE TREATY ON CONVENTIONAL ARMED FORCES IN EUROPE.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(2).

(b) AUTHORITY TO APPROVE THE CFE FLANK AGREEMENT.—The President is authorized to approve on behalf of the United States the Document Agreed Among States Parties to the Treaty on Conventional Armed Forces in Europe of November 19, 1990, adopted in Vienna, Austria on May 31, 1996, concerning the resolution of issues related to the Conventional Armed Forces in Europe (CFE) Treaty flank zone.

(c) SENSE OF CONGRESS WITH RESPECT TO CFE ADAPTATION.—It is the sense of Congress that any revisions to the Treaty on Conventional Armed Forces in Europe that may be agreed in the ongoing CFE adaptation negotiations can enter into force only if those revisions are specifically approved in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)), and no such approval will be provided to any revisions to that Treaty that jeopardize fundamental United States security interests in Europe or the effectiveness and flexibility of NATO as a defensive alliance by—

(1) extending rights or imposing responsibilities on new NATO members different from those applicable to current NATO members, including with respect to the deployment of nuclear weapons and the stationing of troops and equipment from other NATO members;

(2) limiting the ability of NATO to defend the territory of new NATO members by, for example, restricting the construction of defense infrastructure or limiting the ability of NATO to deploy necessary reinforcements;

(3) providing any international organization, or any country that is not a member of NATO, with authority to review, delay, veto, or otherwise impede deliberations and decisions of the North Atlantic Council or the implementation of such decisions, including with respect to the deployment of NATO forces or the admission of additional members to NATO; or

(4) impeding the development of enhanced relations between NATO and other European countries that do not belong to the Alliance by, for example, recognizing spheres of influence in Europe.

SEC. 5. BALLISTIC MISSILE DEFENSE COOPERATIVE PROJECTS WITH RUSSIA.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(3)(A).

(b) ESTABLISHMENT OF PROGRAM OF BALLISTIC MISSILE DEFENSE COOPERATION WITH RUSSIA.—The Secretary of Defense is authorized to carry out a program of cooperative ballistic missile defense-related projects with the Russian Federation.

(c) CONDUCT OF PROGRAM.—The program of cooperative ballistic missile defense-related projects with the Russian Federation under subsection (b) may include (but is not limited to) projects in the following areas:

(1) Cooperation between the United States and the Russian Federation with respect to early warning of ballistic missile launches, including the sharing of information on ballistic missile launches detected by either the United States or the Russian Federation, formalization of an international launch notification regime, and development of a joint global warning center.

(2) Technical cooperation in research, development, test, and production of technology and systems for ballistic missile defense.

(3) Conduct of joint ballistic missile defense exercises.

(4) Planning for cooperation in defense against ballistic missile threats aimed at either the United States or the Russian Federation.

(d) DIALOGUE WITH RUSSIA.—The President should seek to initiate a dialogue with the Russian Federation aimed at exploring the potential for mutual accommodation of outstanding issues between the two nations on matters relating to ballistic missile defense and the Anti-Ballistic Missile Treaty of 1972, including the possibility of developing a strategic relationship not based on mutual nuclear threats.

(e) ANNUAL REPORT.—Not later than January 1, 1998, January 1, 1999, and January 1, 2000, the President shall submit to the Congress a report on the cooperative program under this section. Each such report shall include the following:

(1) A description of the conduct of the program during the preceding fiscal year, including a description of the projects carried out under the program.

(2) A description of the status of the dialogue under subsection (d) during the preceding fiscal year.

(3) A description of the funding for the program during the preceding fiscal year and the year during which the report is submitted and the proposed funding for the program for the next fiscal year.

SEC. 6. RESTRICTION ON ENTRY INTO FORCE OF ABM/TMD DEMARCATION AGREEMENTS.

(a) POLICY OF SECTION.—This section is enacted in order to implement the policy set forth in section 2(3)(B).

(b) RESTRICTION.—An ABM/TMD demarcation agreement shall not be binding on the United States, and shall not enter into force with respect to the United States, unless, after the date of the enactment of this Act, that agreement is specifically approved in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b)).

(c) SENSE OF CONGRESS WITH RESPECT TO DEMARCATION AGREEMENTS.—

(1) OPPOSITION TO MULTILATERALIZATION OF ABM TREATY.—It is the sense of the Congress that until the United States has taken the steps necessary to ensure that the ABM Treaty remains a bilateral treaty between the United States and the Russian Federation (such state being the only successor state of the Union of Soviet Socialist Republics that has deployed or realistically may deploy an anti-ballistic missile defense system) no ABM/TMD demarcation agreement will be considered for approval for entry into force with respect to the United States (any such approval, as stated in subsection (b), to be effective only if provided in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b))).

(2) PRESERVATION OF U.S. THEATER BALLISTIC MISSILE DEFENSE POTENTIAL.—It is the sense of the Congress that no ABM/TMD demarcation agreement that would reduce the potential of United States theater missile defense systems to defend the Armed Forces of the United States abroad or the armed forces or population of allies of the United States will be approved for entry into force with respect to the United States (any such approval, as stated in subsection (b), to be effective only if provided in a manner described in section 33(b) of the Arms Control and Disarmament Act (22 U.S.C. 2573(b))).

(d) ABM/TMD DEMARCATION AGREEMENT DEFINED.—For the purposes of this section, the term "ABM/TMD demarcation agreement" means an agreement that establishes a demarcation between theater ballistic missile defense systems and strategic anti-ballistic missile defense systems for purposes of the ABM Treaty, including the following:

(1) The agreement concluded by the Standing Consultative Commission on June 24, 1996, concerning lower velocity theater missile defense systems.

(2) The agreement concluded (or to be concluded) by the Standing Consultative Commission concerning higher velocity theater missile defense systems, based on the Joint Statement Concerning the Anti-Ballistic Missile Treaty issued on March 21, 1997, at the conclusion of the Helsinki Summit.

(3) Any agreement similar to the agreements identified in paragraphs (1) and (2).

(e) ABM TREATY DEFINED.—For purposes of this section, the term "ABM Treaty" means the Treaty Between the United States of America and the Union of Soviet Socialist Republics on the Limitation of Anti-Ballistic Missile Systems, signed at Moscow on May 26, 1972 (23 UST 3435), and includes the Protocols to that Treaty, signed at Moscow on July 3, 1974 (27 UST 1645).

The SPEAKER pro tempore. Pursuant to House Resolution 159, the gentleman from New York [Mr. GILMAN] and the gentleman from Indiana [Mr. HAMILTON] each will control 30 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 am pleased to bring before the House the European Security Act of 1997. It is an important piece of legislation that will once again

give the Congress the opportunity to demonstrate our support for prompt enlargement of the NATO alliance and our special concern for the security of Romania and three Baltic States.

Furthermore, the legislation charts a course that will permit us to enlarge NATO, as well as to achieve our vital national objectives in the area of ballistic missile defense without disrupting relations with Russia.

This bill takes as a starting point the fact that NATO will begin the process of enlargement this summer consistent with the three laws that we have enacted on this subject over each of the last 3 years. Poland, Hungary, the Czech Republic, and Slovenia currently are the front runners for admission in the first round of enlargement.

This bill identifies two problems with the way NATO enlargement is proceeding: First, we are concerned that a number of countries may not be properly considered for the first round of NATO enlargement, or may be left out of the first round and can find themselves in a security vacuum. Second, we worry that in the rush to mollify Russia, concessions may be made that could jeopardize European security and the effectiveness of NATO.

To reassure the countries that are not currently among the front runners for admission to NATO, this bill designates four additional countries to receive NATO enlargement assistance: Romania, Estonia, Latvia, and Lithuania. The effect is to give these countries the same status under United States law as Poland, Hungary, the Czech Republic, and Slovenia.

□ 1715

This bill goes on to express the sense of Congress that Romania, Estonia, Latvia, and Lithuania should be invited to join NATO as soon as they can satisfy all of the relevant criteria.

With regard to Russia, the bill spells out concessions that we would consider unacceptable. But then to make clear that the purpose of NATO enlargement is not to emasculate Russia, as many in Moscow appear to believe, the bill supports efforts to adapt the Conventional Armed Forces in Europe Treaty, provided this is done in a way that does not make the new NATO members any second class citizens or otherwise jeopardize our security interests in Europe.

This bill supports adaptation of the CFE treaty because we know of no better way to demonstrate to Russia our genuine belief that NATO enlargement will enhance the security of all countries in Europe, including Russia.

With regard to ballistic missile defense, the bill again demonstrates that our objectives can best be achieved in the manner that enhances Russia's security as much as our own.

This legislation, Mr. Speaker, has garnered widespread support since it was first introduced back on April 24. It is supported by all of the major organizations representing Americans of Central and Eastern European descent, ranging from the Polish American Congress to the Armenian Assembly and the Joint Baltic-American National Committee.

Just this week, Mr. Speaker, it has been endorsed by the editors of both the Washington Times and the Washington Post. If it can unite the editors of those two newspapers, who agree on very little, surely it can unite the Congress.

In that spirit, I urge my colleagues to join in supporting this important measure.

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

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

Mr. Speaker, first I want to remind Members about the manner in which this bill comes before us. There have been no hearings in the 105th Congress on NATO enlargement. There have been no hearings on the bill. There has been no consideration in the Committee on International Relations or anywhere else of this bill. Now we have it under a closed rule.

I think how the Congress handles important issues is important because it contributes to the public perception of the Congress. We talk a lot about the importance of the democratic process in countries before they come into NATO. We could very well use some democratic process in consideration of this bill.

The Committee on Rules has decided that on the most important foreign policy issue of the year, probably, there will be one vote, up or down, no amendments, on a bill that has had no process of review by the committee of jurisdiction.

Second, I do not oppose the content of this bill. I plan to vote for it. But I think Members should understand what the bill does and does not do. It is neither a very helpful nor a harmful bill.

Contrary to what some may say in this debate, this bill does not pave the way for another round of NATO enlargement. It does not provide additional assistance. It does not provide different assistance. The assistance that this bill would provide is exactly the same kind of assistance that the administration is currently providing or planning to provide.

Four countries, Romania, Estonia, Latvia, Lithuania, are designated to receive assistance under the NATO Participation Act. But the assistance authorities under that act duplicate existing authorities. No U.S. assistance program, plan, or activity in these countries will be changed because of this act. The bill amounts to a sense of the Congress.

The Baltic States and Romania certainly deserve consideration for NATO membership, but so do others who are not named. The message to the four countries designated under the NATO Participation Act is that "you have a leg up" in the next round of NATO expansion. The message to Bulgaria, to Slovakia, to Albania and to the others is, "Sorry, you lose." This bill says to them, "No matter what you do, you are not now on the list of NATO membership."

The only meaningful change in authorities in this bill would be to allow the administration to use Department of Defense funds for the Regional Airspace Initiative in Eastern Europe, a program to modernize air traffic control systems. Usually in the Congress we have a good many Members at least who oppose raids on Defense Department funds for foreign aid purposes. This would provide about $10 million a year from the operations and maintenance accounts for what these committees view as foreign assistance. While an air traffic control system in Central Europe is useful, we should be clear here that this authority will mean a further depletion in the defense budget.

On the question of the CFE flank agreement, the Senate has already acted. The Senate acted by May 15 to provide its advice and consent. The administration originally asked both the House and the Senate to act on the flank agreement last August. The House in this case is a day late and a dollar short. Its actions on the flank agreement are now irrelevant.

On the question of the ABM treaty and ballistic missile defense, the President will not be obliged to change his policy one iota. He already is carrying out a cooperative program on ballistic missile defense with Russia. He is already carrying out a dialog with Russia on the ABM treaty. He has already agreed to submit the demarcation agreement under the ABM treaty to the Senate for its advice and consent.

I do not approve of the way this bill came to the floor. As I suggested, I really would prefer no bill at this time. NATO enlargement is a complex process with huge stakes. It will not be easy to make it work. It makes sense to let the process unfold gradually, and let a consensus develop on which members should be admitted and in what order.

My preference would be for the Congress not to try to dictate the process by declaring favorites. There is something disturbing about seeing Members champion certain countries, trying to push their favorites to the front of the line.

But this bill is before us, and I do not wish to be recorded in opposition to NATO expansion. The bill will be viewed in Europe and certainly in Eastern Europe as an up-or-down vote on NATO enlargement. I do not intend to be seen as a Member who opposes the aspirations of the Baltic States and

Romania. I think we would be better served if all countries seeking NATO membership were designated under the NATO Participation Act.

NATO enlargement, in my judgment, is going to happen. We have reached a point of no return. I had and still have many questions about enlargement, especially about costs and U.S. commitments. I do not think we have had sufficient debate or consideration of NATO enlargement.

I do believe that, if properly done, NATO enlargement can increase the security of all of Europe and increase the chances that Europe will not be the source of wars. NATO enlargement will certainly assure these new democracies of central Europe and strengthen democratic and market reforms.

I do not think we have adequately considered the impact of enlargement on NATO itself and on those countries not included in enlargement. We certainly have not considered carefully enough the costs of NATO enlargement and how to deal with the hostile reaction of Russia. Much is going to depend on how we manage the process of enlargement.

I support NATO enlargement because I believe that the risks of proceeding with enlargement are less now than the risks of not going forward. You cannot have the President of the United States talk again and again about NATO enlargement, and have 16 governments support NATO enlargement, without enlargement going forward. U.S. credibility and NATO credibility would vanish if we tried to turn back now.

The question now is not whether to enlarge NATO but how to do it in a responsible way. We do not want to antagonize Russia unduly. We do not want to create a two-tiered NATO membership. We should not prejudge the next steps.

We should let the process of NATO enlargement unfold. We should bring in Members only when they are prepared and meet NATO criteria. We should encourage all countries in Eastern Europe to meet NATO criteria, not just a few. We should keep the process open and not create first, second, and third tiers of candidates.

Neither the process under which we consider this bill nor the content of the bill itself should make us especially proud. So far as I can see, it is a foreign policy bill driven largely by domestic political pressures. But neither is it a bad bill. I see no compelling reason to vote against it. I do plan to vote for it.

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

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his supportive remarks with regard to this important bill.

Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. SMITH], distinguished chairman of the Subcommittee on International Relations and Human Rights.

Mr. SMITH of New Jersey. Mr. Speaker, I rise today to voice my strong support for H.R. 1758.

The language before us is designed first and foremost to preserve the effectiveness and the flexibility of NATO as a defensive alliance. For nearly five decades the North Atlantic Alliance has served and advanced the interests of the United States in Europe by preserving peace, promoting economic prosperity, and advancing our shared principles of democracy, individual liberty, and the rule of law.

Mr. Speaker, I would point out that the underlying legislation provides important assistance to Latvia, Lithuania, Estonia, and Romania as they pursue membership in the alliance irrespective of the outcome of the NATO summit meeting scheduled to take place in Madrid in early July.

Recently the ambassadors from each of these countries, as well as Poland, Hungary, the Czech Republic, Slovenia, Bulgaria, and Slovakia, appeared before the Helsinki Commission, which I co-chair along with Senator D'AMATO, and presented their government's case for NATO membership. I believe, especially after hearing from each of the ambassadors, that it would be an injustice of historic proportions if we did not take advantage of the unique opportunity that we have today to embrace these countries of the region that have demonstrably committed themselves to democracy, human rights, and the rule of law.

During President Constantinescu's short tenure, Romania has made very impressive progress, and I believe deserves every ounce of encouragement, support, and consideration in the lead-up to the July NATO summit. Mr. Speaker, as one of those who has closely followed developments in Romania since 1981, I would hope that Romania is included among those invited to accession negotiations on full NATO membership.

With respect to the Baltic States, I have seen no justification in delaying similar negotiations with Latvia, Lithuania, and Estonia. Despite decades of Soviet domination and brutal repression, the commitment of the Baltic peoples to freedom and democracy ultimately triumphed over totalitarianism. Having persevered for 50 years and overcome the odds by regaining their independence, the Baltic countries deserve to be fully integrated into the West, including NATO, without further delay.

Mr. Speaker, the important legislation before us is aimed at giving further impetus to the enlargement of NATO. It is of critical importance, in my view, that a genuine process be put into place to ensure that emerging democracies not invited in Madrid join NATO but that wish to join the alliance will be given every consideration, and that there be a transparent and a real process for doing so. Platitudes cannot substitute for process. The bill calls for the NATO leaders assembled in Madrid to agree to such a process.

Frankly, Mr. Speaker, I remain very concerned over the recently concluded negotiations undertaken by NATO Secretary General Solana that resulted in the so-called Founding Act between NATO and the Russian Federation. Part of my concern stems from the fact that the talks were conducted against the backdrop of an artificial deadline suggested by the Russians. It is of critical importance that the Founding Act in no way undermine the effectiveness of NATO or reduce new members of the alliance to second-class citizens.

I am particularly concerned about the seemingly one-sided nature of the recently concluded negotiations, focusing as they have on Moscow's security preoccupation, real or imagined. The pending legislation identifies three specific security concerns that I urge the Clinton administration to raise with the Russians until they have been resolved.

The first concern stems from the fact that Russia has not agreed to the international borders with several of her neighbors. Moscow has purposefully dragged its feet on this important issue with the aim of intimidating a number of the countries involved.

The second issue concerns the deployment of Russian forces on the territory of other states. Today there are thousands of Russian troops deployed in and around the Ukrainian port of Sevastopol. Russian troops are likewise stationed in Moldova. The pending amendment calls for a commitment from the Russian Federation to station its armed forces on the territory of other states only with consent of such states and in strict accordance with international law.

Finally, the bill calls for a commitment by the Russians to take steps to reduce nuclear and conventional forces in Kaliningrad, where Moscow has amassed a huge arsenal that poses a potential threat to the Baltic States and to Poland.

□ 1730

Mr. Speaker, the progress in resolving these outstanding issues would go a long way to advance peace and stability throughout Europe, a region of critical importance to our own security and to our own economic and political interests.

I urge adoption of H.R. 1758 in the interests of maintaining the effectiveness and the flexibility of NATO as a defensive alliance. I urge strong support for the bill.

Mr. LANTOS. Mr. Speaker, how much time have we consumed?

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The gentleman

from California [Mr. LANTOS] has 22½ minutes remaining and the gentleman from New York [Mr. GILMAN] has 21 minutes remaining.

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

Mr. Speaker, I rise as a strong supporter of NATO expansion. Two weeks ago this past Sunday, I had the privilege in Bucharest of delivering to President Goncz of Hungary and President Constantinescu of Romania a letter by President Clinton. In this letter, President Clinton congratulated the two Presidents and the two countries for reaching an historic accommodation after centuries of bloodshed, bitterness and wars.

The long-awaited period of reconciliation and peace between these two important countries of Central and Eastern Europe is now a reality. The two Presidents jointly responded to our President, and the two governments strongly favor their simultaneous invitation as NATO members.

May I say, Mr. Speaker, that the debate in this country and in the other 15 NATO countries basically comes down to whether in the first round we should invite just three potential new members, Poland, the Czech Republic, and Hungary, or whether we should invite four or five, including Slovenia and Romania.

I strongly favor, as one who has spent a great deal of time over a lifetime in that region, the simultaneous invitation to membership to all five countries, with the clear understanding that a simultaneous invitation to membership does not guarantee simultaneous acceptance into NATO.

Such a formula, Mr. Speaker, would give us the best of all possible worlds. It would avoid the public relations disaster of having some countries invited and others not invited; it would avoid the backlash that would surely take place in Romania, which has gone through free and open and democratic elections, which has moved vigorously toward privatization and the free market, and which recognizes the importance of a free press and religious freedom. It now is as well qualified to be invited as any of the other five.

Yet I think we must understand that, in terms of economic development and other criteria, all five countries may not be ready to join NATO simultaneously. Therefore, my recommendation: simultaneous invitation; no guarantee of simultaneous admission.

I also believe, Mr. Speaker, that, should this formula not be acceptable, the very least the NATO countries should do at their July meeting is to designate a time certain when the second round of countries will be invited to join NATO. Failure to do so would lead to significant disappointments, a xenophobic backlash and a severe destruction of the spirit which now permeates this region.

These five countries, in my judgment, are fully prepared to begin negotiations in July, and with assistance from the existing NATO contingent will be ready within the next 2 or 3 years to enter NATO as full-fledged, fully equal members. This will be good for NATO, this will be good for the new members, and, I underscore, it will be good for Russia.

In the cold war days, the Soviet Union assumed that NATO is an aggressive military alliance. Those of us who understood NATO throughout argued that NATO is a defensive military alliance. It is a force for stability, prosperity, democracy and freedom. Those are the attributes in Central and Eastern Europe that are beneficial to Russia, and I strongly urge my colleagues to support simultaneous invitation to all five countries mentioned, and I support the legislation of the gentleman from New York.

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

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. GOSS], the distinguished chairman of the Permanent Select Committee on Intelligence.

Mr. GOSS. Mr. Speaker, I thank the distinguished chairman of the House Committee on International Relations, the distinguished gentleman from New York [Mr. GILMAN], and congratulate him on his successes earlier today.

Mr. Speaker, I rise in support of the European Security Act strongly. Today we stand on the threshold of the July Madrid summit, where the invitations to seek membership in NATO will be issued, and they are sure to be among the most coveted invitations of the year. What this means is that it is time for this Congress to offer not only words but substantive measures designed to enhance the NATO enlargement process.

The Europe Security Act of 1997 is a strong statement in support of expansion with concrete measures designed to improve the European security environment. It reiterates this round of expansion cannot and should not be the last; that all countries able to meet the requirements for membership should be permitted to seek it. It also seeks to ensure that those countries not included in the first tranche are not left out in the cold, in some kind of a security vacuum.

H.R. 1758 seeks to do so by expanding the circle of countries eligible for enlargement assistance. It also addresses concerns that my colleagues and I have regarding the conventional forces in Europe and includes language to discourage the administration from making further agreements with nonmember states that will undercut the security of the alliance. In other words, it says no to appeasement.

Still further, it is intended to enhance Europe security with measures specifically designed to overcome legal and foreign policy impediments to ballistic missile defense by holding the line on the implementation of demarcation agreements negotiated with Russia and proposals from the White House that would multilateralize the ABM treaty.

The Europe Security Act will offer the opportunity to enhance U.S. security from ballistic missile attack, something of interest to all of us. In the end, the Europe Security Act is about consolidating the process of democratization in the central and eastern Europe, about ensuring that those countries that share our values and took the risks associated with casting off the Soviet Union will be part of the new European security order and enjoy the benefits of freedom.

Mr. Speaker, as the Madrid summit approaches, we know that a difficult process still lies ahead, but it is absolutely certain that enlargement is the right choice. We must not retreat from our world leadership role, we must not forsake our allies, old or new. We have dealt with Russia, the Ukraine and all the interested parties in the past few years on this matter, and it is time to get on with it.

We have worked with the parliamentarians in the North Atlantic Assembly. We have visited with the governments and the people on their turf in Russia, the Ukraine, the Baltics, Hungary, Poland, the Czech Republic, and many others. And, of course, we have been to our NATO's home port and talked to them about this. This is not a new subject. This is a subject whose time has come. I support this legislation and I urge my colleagues to do so.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK of Massachusetts. Mr. Speaker, it is a terrible thing that this central question of foreign policy comes before us under a closed rule with only 1 hour.

I think the concept of NATO expansion is a reasonable one, but it is not reasonable to go to the American taxpayer, in the light of a budget deal, which will severely constrain spending both in the defense and nondefense areas, and tell the American taxpayer that they will continue to bear a disproportionate share of the cost of defending Europe.

Everyone acknowledges that the expansion of NATO will cost money. The more countries involved, the more money it will cost. That is not a disqualification. But that cost should not be borne by the current formula, which has the U.S. taxpayer subsidizing the nations of Western Europe.

We talked about welfare reform last year. We did not go after the real welfare. The real welfare is the United States taxpayer, 52 years after the end of World War II, years after the Marshall plan succeeded, continuing to

subsidize Germany and England and France and Denmark and Belgium. This bill assumes the status quo.

It is shocking that we were not allowed a chance to offer an amendment to this bill that would say that, whether one is for or against NATO expansion, we in the House do not want a continuation of this subsidy by the American taxpayer of our wealthy allies in Western Europe.

As the Western European nations struggle to meet their 3-percent deficit deadline to get into the Euro, we can be sure they will start cutting back on their military expenditures. And they will cut back on their military expenditures secure in the hope that the American Congress will again be suckered and bail them out.

What this bill does, erroneously in my judgment, is to assume that status quo. I will vote "no". I might be supportive of NATO expansion in some context, but this bill assumes an expansion of NATO under the same terms.

The Washington Post editorial that the gentleman from New York talked about referred to the need for more spending. Do not send the American taxpayer once again to the defense of Europe when the European nations are allowed to get a free ride.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Nevada [Mr. GIBBONS].

Mr. GIBBONS. Mr. Speaker, I have a question about this legislation which I wish to direct to its principal sponsor, the distinguished gentleman from New York [Mr. GILMAN], and chairman of the Committee on International Relations.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. GIBBONS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I would be pleased to respond to the questions of the distinguished gentleman from Florida.

Mr. GIBBONS. Mr. Speaker, I note that the legislation states that Romania, Estonia, Latvia, and Lithuania should be invited to become full members of NATO at the earliest possible date upon complete satisfaction of all relevant criteria. The legislation also provides that these four countries are to be designated as eligible to receive assistance under the NATO Participation Act effective 180 days after the date of enactment.

Are these provisions intended to suggest that Congress believes that Romania, Estonia, Latvia, and Lithuania should be kept out of the first round of NATO enlargement this year and, instead, invited to join NATO at a later date in a second or third round of enlargement?

Mr. GILMAN. Mr. Speaker, if the gentleman will continue to yield, I can assure the gentleman that it is not our intention to push these countries into any second or third round of NATO enlargement. The purpose of this legislation is to support the efforts of Romania, Estonia, Latvia, and Lithuania to join NATO. We absolutely are not trying to hold them back.

If at the summit meeting in Madrid this July the members of NATO decide to invite Romania, Estonia, Latvia, and Lithuania to begin accession talks with the alliance as part of the first round of enlargement, we will welcome that. And if they are not invited to join in the first round, we will do all we can to make sure the door to the alliance remains open to them. And that is the purpose of this legislation.

Mr. GIBBONS. Why then does the legislation postpone for 180 days the effective date of the designation of these countries under the NATO Participation Act?

Mr. GILMAN. Well, that designation has to do with eligibility to receive U.S. assistance. The 180-day period provided under the legislation should not be read to suggest that we think it is necessary to wait the entire 180 days before deciding whether to invite these countries to join NATO.

Mr. GIBBONS. Mr. Speaker, I thank the gentleman and esteemed chairman for his clarification, and with the assurance he has provided, I will be pleased to join him in support of this measure.

Mr. GILMAN. Mr. Speaker, I thank the gentleman for his interest in the legislation.

□ 1745

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the distinguished gentleman from Massachusetts [Mr. NEAL].

Mr. NEAL of Massachusetts. Mr. Speaker, sometimes this institution suffers from collective amnesia. What we honor tonight in this concept is what happened in Hungary in 1956, what happened in Czechoslovakia in 1968 with Alexander Dubcek, and what happened in Poland just a decade ago. What we honor here today is a simple concept of those electricians and that trade unionist from Gdansk, Lech Walesa, who turned events as we proceeded to the next century, on their ear. Internationally we honor the commitment that they made, and I assure Mr. FRANK's reservations about the manner in which costs are ascribed in these particular instances, but we cannot turn our backs on the heroism.

And remember once again those Soviet tanks as they rolled into Hungary and Czechoslovakia and Jaruzelski threatened to put down those trade unionists. It represents the triumph of the human spirit nurtured in this very institution.

I am pleased to lend my name in support of the concept of expanding NATO to include these republics.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The Chair would point out that the gentleman from California [Mr. LANTOS] has 14½ minutes remaining and the gentleman from New York [Mr. GILMAN] has 16 minutes remaining.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania [Mr. FOX], another member of our committee.

Mr. FOX of Pennsylvania. Mr. Speaker, it was not long ago, December 1994, that the NATO summit, the United States expressed its interest in expanding NATO in order to strengthen nations that share the U.S. belief in democracy, continue the development of free market economies, open the U.S. investment and trade, secure allies willing to share in cooperative efforts on a range of global issues, and preserve a Europe free from domination by any single power.

The enlargement we are discussing today will enhance stability by providing NATO security guarantee for candidate states working to construct viable democracies and free-market systems. 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 bulk of nations in Romania should be admitted to NATO and declares that Congress will not approve international agreements that accord second class status to new members. The bill declares the door to NATO should not close after the first round of NATO enlargement this summer. Members left out of the first round must be assured they will be considered for NATO membership in the future.

So I rise in support of this important bill. NATO enlargement is important to our country, it is important to world peace, and it is important to the growth of human mankind.

I thank the gentleman very much for the opportunity to speak on behalf of this legislation and to our chairman, the gentleman from New York [Mr. GILMAN], who has led this legislation forward.

Mr. LANTOS. Mr. Speaker, I yield 1 minute to the very distinguished gentleman from Minnesota [Mr. OBERSTAR].

Mr. OBERSTAR. Mr. Speaker, last year during consideration of the NATO Enlargement Facilitation Act of 1996, the other body voted to designate Slovenia along with Poland, Hungary, and the Czech Republic as nations that have made progress toward meeting NATO's criteria for new members. And Slovenia certainly stands out as a sterling candidate for admission to NATO, and I appreciate the support on the Democratic side and on the Republican side of the committee in accepting the Senate amendment in conference.

We are soon to witness the Madrid meeting that will discuss the enlargement of NATO. I would urge the administration to keep uppermost on their

agenda Slovenia as a candidate for the first round of expansion. Slovenia has moved successfully to privatize its economy. Everything from banking to aviation has been privatized. They have democratized their politics and their government. They have created 158 local governments and had local elections. They are a significant force in the modernization of trade in the former East European areas and deserve to be a member of NATO.

Mr. Speaker, I urge the administration to accept Slovenia in this first round.

Mr. GILMAN. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. ROHRABACHER], another member of our committee.

Mr. LANTOS. Mr. Speaker, in the spirit of collegiality and civility, I yield 1 additional minute to the gentleman from California [Mr. ROHRABACHER].

The SPEAKER pro tempore. The gentleman from California [Mr. ROHRABACHER] is recognized for 2 minutes.

Mr. ROHRABACHER. Mr. Speaker, I do appreciate this time, from the gentleman from California [Mr. LANTOS] in particular, because I am providing a legitimate opposition to this bill.

Mr. Speaker, today I rise in opposition to H.R. 1758. I do not do so with any type of situation where I have a problem in disagreeing with the gentleman from New York [Mr. GILMAN]. Mr. GILMAN has my respect, and I know he is pushing this bill; the gentleman from New York [Mr. SOLOMON] is pushing for this bill. He has my respect. We worked together on so many issues, but I think that it is important for us to recognize the changes that have taken place in the world and for America to take a realistic view of what is going to be happening, what challenges we will face in the years ahead.

NATO did a good job in deterring a Soviet attack on Europe, but what purpose does NATO serve now? Is it worth the expenditure of tens of billions of limited American defense dollars? I do not think so. Europe no longer poses and what is happening in Europe no longer poses a national security threat to the United States of America. We need not spend our limited defense dollars that we have today for the stability of our European friends. They can pay for their own stability.

Why we were in NATO was because the Soviet Union, and a war with the Soviet Union, was a threat to our national security. Staying in NATO now wastes limited dollars that should be spent on American weapons systems that will enable the United States to project power from the continental United States. Spending money on NATO rather than spending money on B–2 bombers or American aircraft carriers, or, yes, on a missile defense system is a waste of money. We need not spend our limited resources for stability in Europe, especially when it takes our focus away from the real part of the world where the threat to American security lies.

By focusing on Europe, we are taking away our focus from Asia, where a belligerent, totalitarian, expansionist China is fast becoming a threat to our national security and a threat to world peace. Let us focus our efforts on strengthening our alliances in Asia, spending our money so that we can deter war on Asia rather than wasting it on NATO, which is a thing of the past.

Mr. LANTOS. Mr. Speaker, I yield myself 2 minutes to respond to my friend from California, Mr. ROHRABACHER.

Mr. Speaker, NATO has been the cornerstone of American security for two generations. NATO has been the essence of our defense strategy vis-a-vis our most formidable opponent since the end of the Second World War, the Soviet Union, and it takes a great deal of naivete to assume that new threats might not reemerge on the Eurasian continent aimed at our allies and indeed the United States.

Expanding NATO and continuing to fund NATO perhaps in a more proportional fashion, as my friend from Massachusetts recommends, is very much in the American national security interests, and to send a message at this stage that the United States wishes to cut back its NATO commitment would be the most suicidally shortsighted gesture of U.S. defense and foreign policy.

Mr. Speaker, I strongly urge my colleagues to reject the notions presented by my good friend from California.

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

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from New York [Mr. SOLOMON], the distinguished chairman of the Committee on Rules.

Mr. SOLOMON. Mr. Speaker, I thank the gentleman from New York, the chairman of the Committee on International Relations, for yielding me this time. I commend him for bringing this measure to the floor in this timely manner. And Mr. Speaker, I just hope that one of the greatest Presidents this country has ever known is able to be watching this debate here tonight because it is because of he, and his name was Ronald Reagan from the gentleman's State, my good friend; it was because of he and his policies of peace through strength back in the 1980's, backed by Republican and Democratic bipartisan support, including the gentleman from California [Mr. LANTOS] sitting over there, a good Democrat, that brought down the Iron Curtain, that brought down the Berlin wall, and saw peace breaking out and democracy breaking out all over Eastern Europe in countries that the people there, tens of millions of them, that were enslaved by deadly atheistic communism that has no respect for life or human rights at all; those people today have hope because they are now part of a sovereign nation. Be it Latvia, Lithuania, Estonia, Romania, Slovenia, or Poland, or the Czech Republic or Hungary, those people now have hope, the same kind of hope that we Americans have enjoyed, and that is why we need to have this bill on the floor here today.

My colleagues know we fought two world wars in this country, and we fought a very expensive cold war, expensive to the American taxpayer because we had to rebuild our strength, and we had to show the evil empire, as Ronald Reagan said, that we would not tolerate this kind of inhumane philosophy in this world, and that is why just before President Clinton went to Helsinki to meet with President Yeltsin I spoke with him for almost an hour to make sure that we Republicans were speaking the same as the Democrat leadership and the same as the President of the United States that we were going to keep that door open for all countries formerly oppressed by this philosophy called communism, that we would keep that door open for all of these sovereign countries.

Mr. Speaker, President Clinton assured me that there will be no quid pro quo with Yeltsin, that what was said in public would be what was said in private and that those doors would be kept open to these countries once they met the criteria.

And what is that criteria? That criteria is that these sovereign nations, these new sovereign nations, must have advanced to irreversible democracy, that they must have moved to a free market economy, privatizing their industries, that they must live by the rule of law and that they must respect human rights both within their country and across their borders and that, finally, they must be able to participate militarily. What this bill says is to those countries: "You have previously been under Russian influence, that all of your military is not able to communicate or inter-operate with our NATO defense alliance," and this bill is meant to help those countries do just that.

Mr. Speaker, that is why it is so important for us to pass this legislation here today.

This is not spending money, I would say to my good friend from Massachusetts. This is saving money because let me assure my colleagues that once these countries are brought under the greatest defense alliance in the history of the world that there will be no more wars in that part of the world because what is that defense alliance? It says that if Latvia is invaded by an outside military aggressor, that these countries, including America, will come to their rescue to protect their sovereignty. That is what this measure says.

And my colleagues know it is not just for these countries, Latvia, Lithuania, and Estonia, and Romania and Slovenia, the Warsaw Pact countries who have already met that criteria, but it is also for Bulgaria and Slovakia and, yes, even Ukraine, and, yes, my colleagues, even Russia. If Russia would meet this criteria, then they also could become a part of NATO, and their boundaries would also be protected from outside military aggression. That is how to guarantee peace in that part of the world, and it is how to guarantee that U.S. soldiers and sailors and marines and Air Force will never have to go into battle in that part of the world again.

Mr. Speaker, that is why my colleagues need to come to this floor, they need to support this legislation, they need to cast a vote for Ronald Reagan and for the expansion of NATO, because that is how to bring about peace in the world.

Mr. LANTOS. Mr. Speaker, before yielding to my friend from New York I yield myself such time as I may consume. I would merely like to suggest to the distinguished gentleman who has just spoken that in addition to President Reagan, beginning with President Truman, all of our Presidents, Republican and Democratic alike, deserve a great deal of credit, as do Members of Congress who on a bipartisan basis have been so strongly supportive of NATO through the decades.

Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New York [Mr. ENGEL].

□ 1800

Mr. ENGEL. Mr. Speaker, I thank my friend from California for yielding me this time. I rise in strong support of this bill. I have long been in favor of NATO expansion, and I am very pleased that we finally seem to be moving forward.

Mr. Speaker, I think this bill states what is obvious: That NATO expansion is a good thing, and that countries can join NATO if they meet certain criteria. I think it is very important at this stage to state that in July, we know that certain countries are going to be admitted to NATO, and we want the Congress to go on record as saying that once these countries are admitted to NATO, that the door does not swing shut, that the door is open, that NATO expansion is still on the table, that this Congress is in favor of the concept of expanding NATO.

With the collapse of the Soviet Union and the fall of communism, the Western world, the democratic world, the United States would be foolhardy if it did not take advantage of the fact that these countries, which were formerly Communist countries and dictatorships, want to have free market economies, want to have democracy, and want to be a part of the Western world, of the free world, of the democratic world. It would make no sense for us not to bear the fruits of what happened, and I think if we delay NATO expansion, that is exactly what we would be doing.

No one is saying that countries should be admitted before they meet the criteria. This is simply saying that Romania and the Baltic nations can be considered when they meet the criteria, and again, if there are other nations in Eastern Europe that can meet the criteria and want to become NATO members, they too ought to be considered; that would be the next logical step to this bill.

The bill also makes it clear that such enlargement of NATO does not end at Russia. Indeed, we want to have cooperation with Russia. The President, in the pact that he signed with Mr. Yeltsin, states that, that Russia can be a partner with the West, but that Russia cannot have a veto power over NATO expansion, and that Russia cannot dictate to NATO how NATO expands or to which Nation an invitation is given to join NATO.

So I think that on balance, this is a very, very good measure. It is a measure that is very, very important. It is a measure that will go a long way in guaranteeing democracy, free market economies, and peace as we approach the 21st century.

I compliment the gentleman from New York [Mr. GILMAN], the chairman and my friend, for putting forth this measure.

Mr. GILMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MICA].

Mr. MICA. Mr. Speaker, I thank the gentleman from New York [Mr. GILMAN] for yielding me this time.

Quite frankly, I say to my colleagues, I regret that this bill picks winners and losers in the quest to join NATO, as was pointed out by the ranking member of the committee. I personally believe that Slovakia should be and should have been selected for NATO admission in the first round last year, and certainly should be included this year. Unfortunately, this whole process has become a popularity contest rather than a well-considered international security consideration.

Let me submit for the RECORD comments relating to Slovakia's readiness to join NATO. Nicholas Burns of the State Department said April 17, 1997, "The Slovak Republic has made impressive economic progress in four years since independence, and is cooperating fully in Partnership for Peace. We have also been gratified by the Slovak Republic's contribution to peacekeeping operations in Bosnia and Eastern Slavonia."

Just a few days ago, Speaker GINGRICH said in the Washington Times, "I do not think there is any sense to exclude Slovakia."

My grandfather was born in Slovakia and the Slovaks are a patient and peaceful people. They have been free and independent for only 4 years. They were oppressed for 1,000 years. They will wait patiently for a little while longer to take their rightful place in NATO, and I hope that we can support that effort in the future.

Mr. LANTOS. Mr. Speaker, I yield 2 minutes to my friend and colleague, the gentleman from California [Mr. CAPPS]. Although he has been with us only this term, he has already made great contributions to the body.

Mr. CAPPS. Mr. Speaker, I know I will probably vote for this, but I find it somewhat curious that this is probably the only debate we are going to have, which will probably be the most important foreign policy decision that this Congress will make this term, and we are doing it within an hour right now, with very little preparation. This is probably the only time we will be talking about this before the Madrid summit, NATO summit in July.

I just think the ramifications of this are so profound, so deep, so extensive, that I regret that we have to do it in this fashion. I know for a new Member to come here and lecture other Members on how we ought to be doing this is probably not very polite of me, but I think that until we can trust the process that we are using, it is difficult to restore the trust between the people and their representatives here.

Mr. Speaker, I just think by naming four more countries, we are creating expectations among those countries. Also, there are other candidates for NATO membership that are not included on this new list. That means that they will understand what their position is relative to the people who are on the list. I think we raise expectations, we diminish expectations, we create a false euphoria.

So I have lots of problems not just with the bill, but with this matter of proceeding. Because of my great respect for NATO, for the timeliness of NATO expansion, as I say, and I want to associate myself with the remarks of the gentleman from Indiana [Mr. HAMILTON], I will probably vote for the bill, because I think it is a very important step forward. However, I think procedurally, there is a lot lacking in the way we have gone about it.

Mr. GILMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Pennsylvania [Mr. WELDON].

Mr. WELDON of Pennsylvania. Mr. Speaker, I rise in strong support of the legislation introduced by my colleague and friend the gentleman from New York [Mr. GILMAN], and I rise as one of the original cosponsors of this legislation.

I want to speak to the issue of a new era of cooperation with Russia, because there are perhaps some in this body and perhaps some in this country, and

perhaps others outside of this country who think that this bill is attempting to undermine a new relationship with Russia and some of the other former Soviet States. Nothing could be further from the truth.

In fact, in this legislation, Mr. Speaker, is a specific provision that allows us to begin a new era of engaging Russia, especially in the area of missile defense.

Now, this is not necessarily a new area, because in the Committee on National Security for the past several years we in fact have supported funding for joint missile defense initiatives. But what this legislation calls for is a formal process of working with Russia to build a sense of understanding about what we are trying to accomplish. It does not mean that we are going to reveal any secrets, it does not mean that we are going to give the Russians any strategic information; it means that we are going to build confidence and that we are going to continue to work on programs like the RAMOS and the follow-on to the agreed project, which engage our physicists and scientists in new relationships that allow us to show Russia that perhaps the old relationship that was best identified by the strict interpretation of the ABM Treaty is perhaps not suitable for the current relationship between our country and Russia.

In fact, Mr. Speaker, what is kind of interesting is, the Russians have just participated in a 2-year study with us that has been funded by our ballistic missile defense organization, headed up by Dr. Keith Payne and Dr. Shoumikin on behalf of the Russian side, that in fact has called for the possibility of a new bilateral relationship that would allow for, instead of a process of mutually assured destruction upon which we base our bilateral relationship, that we move into looking at the possibility of asymmetrical deterrence, which means that we include offensive missiles in an attempt to bring them down, and as we do so, that we also discuss and perhaps look at changes to the ABM Treaty to allow defensive systems to be put into place without creating a destabilizing impact on our relationship. This bill lays the groundwork for that to happen.

Unfortunately, Mr. Speaker, the administration seems to be going in the opposite direction. I say that because recently at the Helsinki summit there was an agreement to expand the ABM Treaty to include demarcation provisions relative to theater missile defense systems.

Mr. Speaker, a number of us in this body, including a significant number of Members of the minority party, have expressed their concern through a bill that I introduced that said, this is the wrong time to be expanding the ABM Treaty to include theater missile defense systems, and this legislation puts the House on record expressing our concern in that regard.

This legislation also, Mr. Speaker, identifies the strong concerns of this body with the idea and the notion of multilateralizing the ABM Treaty. Many of us think that that would hamper our ability to move away from the strict interpretation of the ABM Treaty and comes at a very inopportune time where Russia has, in fact, given us the willingness in the form of a signal that they are now willing to talk about moving into a posture away from relying on the ABM Treaty as our key instrument in terms of our bilateral relationship.

I think this is extremely important, and yet at the same point in time in approaching this new dialogue with Russia, we want to reassure them that we are not about tweaking them. We are not in this bill attempting to isolate Russia.

In fact, the gentleman from New York [Mr. SOLOMON] made a very important point that he has made in my presence before Russians that were here just a few short weeks ago. He said ultimately, we even envision the day where Russia may be able to qualify for membership in NATO. So in fact, I think that is a basic underlying premise here.

The question is how we get there, and in this era of emerging threats from rogue nations and the threat of destabilization in the Russian military relative to their offensive arms, North Korea and China deploying long-range missiles, we can no longer rely on an outmoded ABM Treaty. This bill allows us to move into a new era where in fact our bilateral relationship is not just based on a strict ABM, but actually allows us to move into a new era of relationship building on cooperate missile defense and also looking at ways that we can in fact move away from the strict interpretation that allowed us in the past to rely on a theory of mutually destroyed destruction.

As the administration moves ahead with NATO expansion, we must make every effort to assure Russia that we are pursuing this new arrangement to enhance everyone's security, not to threaten them. This bill goes a long way toward doing that by establishing a program to pursue joint missile defense projects such as early warning sharing and lay in a groundwork for the revival of United States-Russia talks on the ABM Treaty and missile defense cooperation.

Mr. GILMAN has stated that he believes it is essential that we take proactive steps to build confidence with the Russians. NATO expansion will not be a complete success if it results in a revival of tensions between Russia and the United States. He believes this bill sets us on the right course by establishing initiatives that set the tone for long-term dialog and cooperation.

This bill makes clear our intent to work with the Russians, it states our intention to ensure the fundamental security interests of the United States and that of our NATO partners. While I believe that is wholly appropriate, I think we want to clarify that point. As you know, the bill states that no commitments should be made that would limit the rights or impose responsibilities on new NATO members different from those applicable to current NATO members—including the deployment of nuclear weapons. That statement could be perceived by the Russians as a sign that we intend to support the creation of a new threat at their borders.

Mr. GILMAN has stated that that is certainly not the intent of this bill, nor is it in the administration's plans. In fact, the NATO Council issued a statement on December 10, 1996, that its members have "no intention, no plan, and no reason" to deploy nuclear weapons on the territory of the new member states. He also said that so far as he is aware, no one in this House takes issue with that statement.

Mr. LANTOS. Mr. Speaker, I yield 2½ minutes to the gentlewoman from the District of Columbia [Ms. NORTON], my good friend and distinguished colleague.

Ms. NORTON. Mr. Speaker, I thank my friend for yielding me this time.

I come to the floor because I am amazed by the nature of this debate. It is amazingly subdued when we consider the historic basis upon which we are proceeding. It is almost a historical debate, because the expansion of NATO may surely come to be as important as the creation of NATO itself.

□ 1815

Yet, this is being handled in an hour's worth of debate as just another matter coming before the House of Representatives at the end of a long day.

I have three concerns; domestic, the commitment of troops and burdensharing. I have to measure everything we do on this floor against the Democratic sacrifices that are being agreed to by us all in the name of deficit reduction.

On the matter of burdensharing, this bill does not pass that test. I would feel much better about what we are doing here in this discussion and debate if in fact we had come to some agreement about burdensharing, a word that is virtually empty of content and meaning. I would have thought that the pressures of deficit reduction could produce some progress on burdensharing. There has been little. Instead, we see burden expansion.

But perhaps I am most concerned about article 5 of the treaty itself, and whether in fact this means that there may be the commitment of troops to central Europe as a result of this expansion. That is an issue of primary importance in a country which seems unwilling to commit troops for very much anymore. I really wonder whether or not we really mean, in a place where there has been much disagreement about Bosnia, where there has been great trouble throughout the

United States, that we are now right in the middle of that.

Mr. Chairman, we fell into this expansion. It developed influenced by the last campaign. There has been little debate in this country. The American people do not recognize that they may right now, as this bill is passed, be committing troops, if need be, to central Europe.

I can be convinced, and I will come to the floor this evening to say as yet no one has even tried to convince me or the American people that this historic commitment should be expanded this day, in June 1997.

Mr. GILMAN. Mr. Speaker, I am pleased to yield 1 minute to the gentleman from California [Mr. COX], the distinguished chairman of our policy committee.

Mr. COX of California. Mr. Speaker, I thank the gentleman for yielding time to me.

Mr. Speaker, I rise to seek clarification concerning one provision of the bill. Section 6(c) is entitled "Opposition to Multilateralization of ABM Treaty." It states the sense of the Congress that no agreement demarcating the boundary between theater and antiballistic missile defense will be considered until the United States has taken the steps necessary to ensure that the ABM Treaty remains a bilateral treaty between the United States and the Russian federation.

It is my understanding that this provision takes no position with respect to whether such a demarcation agreement should be reached after such steps are taken, or, indeed, whether the United States should take steps to continue the ABM Treaty in force even if it is a bilateral agreement limited to Russia and the United States.

Section 6(c), according to my understanding, simply makes absolutely clear that the administration's rush to conclude an immediate demarcation agreement must be stopped, and that no such demarcation agreement should be concluded prior to resolution of the question of Russia's successorship under the ABM Treaty; and finally, that, should Russia not be deemed to have succeeded, then no such demarcation agreement should be considered at all.

I would ask the gentleman, Mr. Speaker, is that his understanding?

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. COX of California. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, the gentleman is correct. That is my understanding as well.

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

Mr. Speaker, I would conclude by suggesting that perhaps the relatively calm and deliberate and judicious tone of this debate reflects the bipartisan judgment of Congress of NATO's quintessential importance during the past two generations to our security, and our bipartisan commitment to the expansion of NATO.

Mr. GILMAN. Mr. Speaker, will the gentleman yield?

Mr. LANTOS. I yield to the gentleman from New York.

Mr. GILMAN. Mr. Speaker, I want to stress again what this legislation intends. It is about achieving two of our vital national objectives, enlarging NATO and defending our Nation against the risk of ballistic missile attack in a way that does not upset our relations with Russia.

With regard to NATO enlargement, we are especially concerned that no emerging democracies in central and eastern Europe be left in a security vacuum, and the Baltic states in particular must be regarded as strong contenders for NATO membership. For this reason, our legislation designates these countries as being eligible to receive transition assistance within the NATO Participation Act. I urge our colleagues to support the measure.

Ms. HARMAN. Mr. Speaker, I rise today to express my concerns about H.R. 1758, the European Security Act. Critical issues related to NATO enlargement have not been adequately thought through—unfortunately, politics appears to have been put ahead of policy.

I am primarily concerned about the military and financial obligations the United States will assume under an expanded NATO.

First, we need to think further about the military obligations assumed by the United States in enlarging NATO. In bringing in new members, we must not degrade the ability of the alliance to conduct collective defense. We must guard both against this degradation, and against the possibility that the U.S. burden to the defense of NATO will increase by bringing in countries whose interoperability with NATO—key to collective defense—is still a long way off.

Second, we have been presented with a number of estimates of the financial costs of NATO enlargement—and those estimates vary widely.

The administration estimates a total cost of between $9 billion and $12 billion over the 1997–2009 period, with a cost to the United States of between $150 and $200 million.

The Congressional Budget Office estimates that—depending on how NATO structures its forces after enlargement—costs will range from a low of $61 billion to a high of $125 billion over 15 years—1996–2010, with a U.S. share of $5 to $19 billion over the same period.

Which is the more accurate estimate?

Mr. Speaker, Congress needs more information on the financial costs of enlargement in order to make an informed decision. Specifically:

What portion of these costs are due to developing the required interoperability among new and old members?

What portion to developing infrastructure required by the enlargement of NATO?

How will the on-going adaptation of alliance strategy and structures impact on the costs of enlargement?

How will these costs be apportioned among the allies—old and new?

Mr. Speaker, until these questions are answered, there cannot be a coherent policy that takes account of our resources and security interests.

Mr. LATOURETTE. Mr. Speaker, with the break-up of the Soviet Union and the emergence of Russia and the Commonwealth of Newly Independent States [CIS] of Eastern Europe, management of the post-cold-war environment has proven to be a novel and challenging task. The securities and certainties of the "us versus them" world are gone. Today, traditional allegiances are blurred and future motives are questioned. The North Atlantic Treaty Organization [NATO], however, has prevailed as the one remaining post-cold-war constant. As during the cold war era, the NATO commitment to collective defense is the core of the alliance. It is this guarantee to deter aggression that has prompted the CIS to seek admittance into NATO. Realizing that Russia, still armed with nuclear weapons, might one day become more unstable and aggressive, NATO membership is highly prized. As one who supports a stable and secure Eastern Europe through the expansion of NATO, I am pleased that Congress has not let this situation go unnoticed. In fact, the NATO Enlargement Facilitation Act of 1996—PL 104–208—was adopted last Congress, which named Poland, Hungary, the Czech Republic, and Slovenia as having made the most progress toward meeting NATO membership criteria. In keeping with this sentiment, I encourage my colleagues to support the European Security Act of 1997 so that the door to NATO is not closed after the first round of enlargement and that additional European countries receive U.S. assistance for transition into NATO. I would also like to encourage the members of NATO to accept Slovenia into membership when it meets in Madrid this July.

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). All time has expired.

Pursuant to House Resolution 159, the bill is considered read for amendment.

Pursuant to the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT

Mr. FRANK of Massachusetts. Mr. Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. FRANK of Massachusetts. I am, Mr. Speaker.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. FRANK of Massachusetts moves to recommit the bill (H.R. 1758) to the Committee on International Relations with instructions to report the bill back forthwith with the following amendment:

At the end of the bill, add the following new section:

SEC. 7. BURDENSHARING.—It is the sense of the Congress that the United States already pays more than a proportionate share of the costs of the common defense of Europe, and that the European members of NATO should pay the bulk of the costs of NATO expansion which are incurred by existing NATO members.".

Mr. FRANK of Massachusetts (during the reading). Mr. Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Massachusetts [Mr. FRANK] is recognized for 5 minutes in support of his motion to recommit.

Mr. FRANK of Massachusetts. Mr. Speaker, I offer this on behalf of myself and the gentleman from California [Mr. CONDIT].

Mr. Speaker, there are differing views about NATO expansion. There is, I think, great agreement in this Chamber that the cost of NATO expansion should not be paid in the same formula in which existing and past NATO costs have been paid.

As Members mentioned, NATO grew out of a time when the United States had a degree of superiority in the world as a result of World War II that was unparalleled probably in recent history. America was quite generous in helping bring, among others, our European allies and our former European enemies, it should not be forgotten, up to the current level that they now enjoy. But we believe, and I think it is a widely shared sentiment across this House, that it is no longer appropriate for our European allies to accept a subsidy in the form of disproportionately large payments by the United States.

What this motion to recommit says is that we believe that the increased NATO costs that will come from expansion, there will have to be military standardization and communication upgrades, that to the extent they are borne by existing NATO members, the European members of NATO should pick up the bulk of those costs.

In other words, we are not here trying to impose more costs on the new NATO members. We are saying that the existing NATO members, wealthy and prosperous and the beneficiaries, as they have been over all these years, of our beneficence, and it may have been in our interests as well as theirs; it was in our interests as well as theirs, but it was our dollars much more than theirs, we ask that they now do more than they have been doing.

Mr. LANTOS. Mr. Speaker, will the gentleman yield?

Mr. FRANK of Massachusetts. I yield to the gentleman from California.

Mr. LANTOS. Mr. Speaker, I thank my friend for yielding.

Mr. Speaker, on our part we think the gentleman from Massachusetts makes an extremely valid point, and we are pleased to accept his recommittal concern of burdensharing for the Democratic side.

Mr. FRANK of Massachusetts. Mr. Speaker, I want to make this clear, this should not be interpreted as an anti-NATO-expansion argument. Indeed, I would tell those who are in favor of a full-fledged unrestricted NATO expansion that it is in their interests to be supportive of burdensharing.

Franklin Roosevelt was described once by John Kennedy in a phrase that is very important for Members to remember. When John Kennedy began the Alliance for Progress and he looked back to Franklin Roosevelt's Good Neighbor Policy as a first step toward a recognition of mutual interest, he said that Franklin Roosevelt was able to be a good neighbor abroad because he was a good neighbor at home.

The American people will more willingly support international engagement militarily, economically, and other sorts, if they feel they are being treated fairly, if they do not think it is coming at their expense.

The United States, I believe, is prepared to support foreign assistance to people in need, to deal with disease and poverty and economic development. But I think the American people understandably say with regard to France and England and Germany and Denmark and Belgium, and some of the wealthiest and most successful societies in the world, countries that have already benefited greatly from our generosity, that it is time for them not to subsidize us, but no longer to be subsidized by us.

What the gentleman from California [Mr. CONDIT] and I seek to do in this is to say, and I believe frankly it will underpin NATO expansion, it will give the American people more willingness to support this, because we have just done a budget deal. Defense spending will be constrained, not as much as I would like, but it will be constrained. Domestic spending will be constrained. It is simply inappropriate for our allies to allow a disproportionate share of the funding to fall on the American taxpayer.

We have one particular fear. The European nations have to, those that are in the European Union, the majority of whom are in NATO, they have to get their deficits down to 3 percent of their gross domestic product. We are the only country that would meet the European Union's definition, I think, right now.

There will be a strong temptation for them to do that by further cutting their military expenditures. We need for them to understand that they cannot do that in a way that shifts the burden to the United States. It is entirely legitimate, yes, there will be benefits to the United States, but there will be even more benefits for Europe. Peace and security in the Czech Republic, in Hungary, and Slovenia, and Romania and elsewhere will be of at least equal benefit to our European allies; and under the current rules, they do not pay an equal share.

Mr. Speaker, I would hope that we would be willing to adopt this, and as I say, I believe it will strengthen the case for NATO expansion among the American people.

The SPEAKER pro tempore. Does the gentleman from New York [Mr. GILMAN] wish to be recognized on the motion to recommit?

Mr. GILMAN. I do, Mr. Speaker.

The SPEAKER pro tempore. The gentleman from New York [Mr. GILMAN] is recognized for 5 minutes on the motion to recommit.

Mr. BEREUTER. Mr. Speaker, will the gentleman yield?

Mr. GILMAN. I yield to the gentleman from Nebraska.

Mr. BEREUTER. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Chairman, as chairman of the House delegation to the North Atlantic Assembly, I can attest that European members do pay the bulk of NATO costs now. While we believe that new members of NATO, as they are added, should and will pay most of the cost of expansion, we agree to that, we believe that would be the case. That is our expectation.

Beyond that, we agree that the existing 14 European countries should pay and will pay the bulk of the expansion costs. Therefore, we agree with and support the instructions offered by the gentleman from Massachusetts [Mr. FRANK].

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

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The motion to recommit was agreed to.

Mr. GILMAN. Mr. Speaker, pursuant to the instructions of the House on the motion to recommit, I report the bill, H.R. 1758, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

At the end of the bill, add the following new section:

"SEC. 7. Burdensharing

"It is the sense of Congress that the United States already pays more than a proportionate share of the costs of the common defense of Europe, and that the European members of NATO should pay the bulk of the costs of NATO expansion which are incurred by existing NATO members."

□ 1830

The SPEAKER pro tempore (Mr. INGLIS of South Carolina). The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

The SPEAKER pro tempore. Pursuant to section 3 of House Resolution 159, the text of H.R. 1758 will be appended to the engrossment of H.R. 1757, and H.R. 1758 is laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1757, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEARS 1998 AND 1999

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 1757, the Clerk be authorized to correct section numbers, punctuation, and cross references and to make such other technical and conforming changes as may be necessary to reflect the actions of the House in amending the bill, H.R. 1757.

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

There was no objection.

GENERAL LEAVE

Mr. GILMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in within which to revise and extend their remarks on H.R. 1757 and on H.R. 1758.

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

There was no objection.

COMMUNICATION FROM MEMBER OF STAFF IN OFFICE OF THE HONORABLE DAN MILLER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from Laura Griffin, member of the staff in the office of the Honorable DAN MILLER, Member of Congress:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, DC, June 5, 1997.

Hon. NEWT GINGRICH,
Speaker of the House, U.S. House of Representatives, Washington, DC.

DEAR MR. SPEAKER: This is to formally notify you pursuant to Rule L (50) of the Rules of the House that I have been served with a subpoena issued by the Circuit Court of the Twelfth Judicial District, Manatee County, State of Florida.

After consultation with the General Counsel, I will make the determinations required by Rule L.

Sincerely,

LAURA GRIFFIN.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 7, 1997, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

TRIBUTE TO JOHN VOLPE

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 tonight to salute a hero of Montgomery County, PA, and a hero of law enforcement. John Volpe died this week. He was former police chief of Plymouth Township in Montgomery County. For 10 years he was chief; for 34 years he was with the department.

He served in an exemplary manner, a great leader, someone who helped reduce crime, increased public safety. And his record was shown to be one of very special character.

He was the vice president of the FBI National Academy Associates, president of the Montgomery County Chief of Police Association, a product of Norristown area school district, where he excelled academically and athletically. He was a leader of the Plymouth-White Marsh Exchange Club. But above all, a great father, great husband to Marie, one child in the marriage.

He certainly is someone who is a role model and a living embodiment of what is important about a person, someone who gives back to their community, someone who is an example of how to lead life and how to really make a difference in one's community.

John Volpe was such a man and a great law enforcement official, someone who will be long remembered and never forgotten. He was a friend of mine, and I know that all of those who are in law enforcement share with me the deep sympathy for the family.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. FORBES (at the request of Mr. ARMEY), for today after 10:30 a.m. and the balance of the week on account of family illness.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. CAPPS) and to include extraneous matter:)

Ms. HARMAN.
Ms. RIVERS.
Mr. HAMILTON.
Mr. FRANK of Massachusetts.
Mr. MILLER of California.
Mr. RANGEL.
Mr. LANTOS.
Mr. DOYLE.
Ms. ESHOO.
Mr. MEEHAN.
Mr. SKELTON.
Mr. SANDERS.
Mr. BARCIA.
Mr. MANTON.

(The following Members (at the request of Mr. GOSS) and to include extraneous matter:)

Mr. DAVIS of Virginia.
Mr. GILMAN in two instances.
Mr. SHAW.
Mr. FORBES.
Mr. LEWIS of California.
Mr. NEY.
Mr. COBLE.
Mr. CUNNINGHAM.
Mr. SHUSTER.
Mr. GINGRICH.
Mr. MICA.

(The following Member (at his own request) to revise and extend his remarks and include extraneous material:)

Mr. FOX of Pennsylvania.

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:)

Ms. WATERS, for 5 minutes, today.
Mr. GEJDENSON, for 5 minutes, today.
Mr. PASCRELL, for 5 minutes, today.
Mr. MENENDEZ, for 5 minutes, today.
Mrs. MALONEY of New York, for 5 minutes, today.
Ms. MILLENDER-MCDONALD, for 5 minutes, today.
Ms. MCKINNEY, for 5 minutes, today.
Mr. BECERRA, for 5 minutes, today.

(The following Members (at the request of Mr. GOSS) to revise and extend their remarks and include extraneous material:)

Mr. KINGSTON, for 5 minutes, today.
Mr. TIAHRT, for 5 minutes, today.
Mr. DELAY, for 5 minutes, today.
Mr. SHADEGG, for 5 minutes, today.
Mr. BRADY, for 5 minutes, today.
Mr. EWING, for 5 minutes, today.
Mr. SCARBOROUGH, for 5 minutes, today.
Mr. HASTERT, for 5 minutes, today.
Mr. SMITH of Michigan, for 5 minutes each day, today and on June 12.
Mr. PAXON, for 5 minutes, today.
Mr. MILLER of Florida, for 5 minutes, today.
Mr. BLUNT, for 5 minutes, today.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 543. An act to provide certain protection to volunteers, nonprofit organizations, and

governmental entities in lawsuits based on the activities of volunteers.

ADJOURNMENT

Mr. SOLOMON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 39 minutes p.m.), the House adjourned until tomorrow, Thursday, June 12, 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:

3740. A letter from the Director, Regulations Policy Mangement Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Food Additives Permitted for Direct Addition to Food for Human Consumption; Polydextrose [Docket No. 91F-0160] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3741. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Ophthalmic Devices: Reclassification of Rigid Gas Permeable Contact Lens Solution; Soft (Hydrophilic) Contact Lens Solution; and Contact Lens Heat Disinfecting Unit [Docket No. 95N-0400] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3742. A letter from the Director, Regulations Policy Management Staff, Office of Policy, Food and Drug Administration, transmitting the Administration's final rule—Substances Affirmed as Generally Recognized as Safe: Menhaden Oil [Docket No. 86G-0289] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Commerce.

3743. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Korea for defense articles and services (Transmittal No. 96-17), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3744. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notification concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Israel for defense articles and services (Transmittal No. 96-18), pursuant to 22 U.S.C. 2776(b); to the Committee on International Relations.

3745. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Italy (Transmittal No. DTC-58-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3746. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting notification of a proposed manufacturing license agreement for production of major military equipment with Australia (Transmittal No. DTC-55-97), pursuant to 22 U.S.C. 2776(d); to the Committee on International Relations.

3747. A letter from the Secretary of Health and Human Services, transmitting the semiannual report on activities of the 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.

3748. A letter from the Administrator, Environmental Protection Agency, transmitting the semiannual report of the Office of Inspector General covering 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.

3749. A letter from the Chairman, Federal Trade Commission, transmitting a copy of the annual report in compliance with the Government in the Sunshine Act during the calendar year 1996, pursuant to 5 U.S.C. 552b(j); to the Committee on Government Reform and Oversight.

3750. A letter from the Chairman of the Board, Pension Benefit Guaranty Corporation, 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.

3751. A letter from the Chairman, Railroad Retirement Board, transmitting the semiannual report on 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.

3752. A letter from the Chief Operating Officer/President, Resolution Trust Corporation, transmitting a copy of the Resolution Funding Corporation's Statement on Internal Controls and the 1996 Audited Financial Statements, pursuant to Public Law 101—73, section 511(a) (103 Stat. 404); to the Committee on Government Reform and Oversight.

3753. A letter from the Acting Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants; Determination of Threatened Status for Castilleja levisecta (Golden Paintbrush) (RIN: 1018-AC52) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3754. A letter from the Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for the Alaska Breeding Population of the Steller's Eider (RIN: 1018-AC19) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3755. A letter from the Acting Deputy Director, Fish and Wildlife Service, transmitting the Service's final rule—Endangered and Threatened Wildlife and Plants: Threatened Status for the Guajon (RIN: 1018-AD52) received June 10, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3756. 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; Pollock in Statistical Area 630 in the Gulf of Alaska [Docket No. 961126334-7025-02; I.D. 053097C] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3757. A letter from the Acting Director, Office of Sustainable Fisheries, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule—Fisheries Off West Coast States and in the Western Pacific; West Coast Salmon Fisheries; Closure from Cape Arago, OR, to the Oregon-California Border [Docket No. 970429101-7101-01; I.D. 060397A] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3758. 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; Pollock in the Gulf of Alaska Statistical Area 620 [Docket No. 96126334-7025-02; I.D. 053097F] received June 11, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Resources.

3759. A letter from the Chief, Regulations Unit, Internal Revenue Service, transmitting the Service's final rule—Low-Income Housing Credit [Revenue Ruling 97-25] received June 9, 1997, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. GOSS: Committee on Rules. House Resolution 165. Resolution waiving a requirement of clause 4(b) of rule XI with respect to consideration of certain resolutions reported from the Committee on Rules (Rept. 105-128). 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. S. 768. A bill for the relief of Michel Christopher Meili, Giuseppina Meili, Mirjam Naomi Meili, and Davide Meili. (Rept. 105-129). 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. HINCHEY (for himself and Mr. SHAYS):

H.R. 1861. A bill to amend the Forest and Range land Renewable Resources Planning Act of 1974, the Federal Land Policy and Management Act of 1976, the National Wildlife Refuse System Administration Act of 1966, the National Indian Forest Resources Management Act, and title 10, United States Code, to strengthen the protection of native biodiversity and to place restraints upon clearcutting and certain other cutting practices on the forests of the United States; to the Committee on Agriculture, and in addition to the Committees on Resources, and National Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as

fall within the jurisdiction of the committee concerned.

By Ms. MOLINARI:

H.R. 1862. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to provide death benefits to retired public safety officers; to the Committee on the Judiciary.

By Mr. NEY (for himself, Mr. GRAHAM, Mr. BARR of Georgia, Mr. BUNNING of Kentucky, Mr. TRAFICANT, Mr. SESSIONS, Mr. BARTLETT of Maryland, Mr. CALLAHAN, Mr. COOKSEY, Mrs. EMERSON, Mr. WATTS of Oklahoma, Mr. CHAMBLISS, Mr. TALENT, Mr. PETERSON of Pennsylvania, Mr. BALLENGER, Mr. ADERHOLT, Mr. HAYWORTH, Mr. WICKER, Mr. NETHERCUTT, Mr. COLLINS, Mr. KNOLLENBERG, Mr. BOEHNER, and Mr. SNOWBARGER):

H.R. 1863. A bill to prohibit the Environmental Protection Agency from establishing a new standard for ozone or particulate matter under the Clean Air Act before existing ozone and particulate matter standards have been attained; to the Committee on Commerce.

By Mr. SHAYS (for himself, Mrs. LOWEY, Mr. ANDREWS, Mr. BARRETT of Wisconsin, Mr. BASS, Ms. CARSON, Mr. CASTLE, Mr. CHABOT, Mr. COYNE, Mr. DELLUMS, Mr. DOYLE, Mr. ENGLISH of Pennsylvania, Mr. ENSIGN, Mr. FAWELL, Mr. FOGLIETTA, Mr. FRANKS of New Jersey, Mr. FRELINGHUYSEN, Mr. GEKAS, Mr. HINCHEY, Mr. HOBSON, Mr. HOLDEN, Mr. HUTCHINSON, Mr. KANJORSKI, Mr. KLUG, Mr. KNOLLENBERG, Mr. KOLBE, Mr. LAFALCE, Mr. LATOURETTE, Mr. LIPINSKI, Mr. LOBIONDO, Mr. MCINTOSH, Mrs. MALONEY of New York, Mr. MARKEY, Mr. MARTINEZ, Mr. MCHALE, Mr. MEEHAN, Mr. MENENDEZ, Mr. MILLER of Florida, Mrs. MORELLA, Mr. NEUMANN, Mr. OLVER, Mr. PACKARD, Mr. PORTER, Mr. PORTMAN, Mr. QUINN, Mr. RAMSTAD, Ms. RIVERS, Mr. ROHRABACHER, Mr. ROTHMAN, Mrs. ROUKEMA, Mr. ROYCE, Mr. SCHUMER, Mr. SENSENBRENNER, Mr. SKAGGS, Mr. SMITH of New Jersey, Mr. SOUDER, Mr. STARK, Mr. TORRES, Mr. VISCLOSKY, and Mr. WAMP):

H.R. 1864. A bill to provide for a gradual reduction in the loan rate for peanuts, to repeal peanut quotas for the 2002 and subsequent crops, and to make nonrecourse loans available for peanut producers; to the Committee on Agriculture.

By Mr. SKAGGS (for himsef and Mr. MCINNIS):

H.R. 1865. A bill to designate certain lands in the San Isabel National Forest, in Colorado, as the Spanish Peaks Wilderness; to the Committee on Resources.

By Mr. SMITH of Texas (for himself and Mr. FRANK of Massachusetts):

H.R. 1866. A bill to continue favorable treatment for need-based educational aid under the antitrust laws; to the Committee on the Judiciary.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. KINGSTON:

H.R. 1867. A bill for the relief of Mr. Guy Lau and Ms. Chantal Lau Pease; to the Committee on the Judiciary.

By Mr. LANTOS:

H.R. 1868. A bill for the relief of Billy I. Meyer; to the Committee on the Judiciary.

By Ms. MOLINARI:

H.R. 1869. A bill for the relief of the estate of Irwin Rutman; 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. 14: Mr. RYUN, Mr. LEWIS of California, Mr. DOOLITTLE, and Mr. INGLIS of South Carolina.

H.R. 66: Mr. FILNER.

H.R. 135: Mr. HOLDEN, Mr. RODRIGUEZ, and Mr. KLINK.

H.R. 195: Mr. EHRLICH.

H.R. 217: Mr. NEY and Mr. KNOLLENBERG.

H.R. 253: Mr. MURTHA.

H.R. 255: Mr. BORSKI.

H.R. 304: Ms. EDDIE BERNICE JOHNSON of Texas and Mr. HILLIARD.

H.R. 306: Mr. ALLEN and Mr. RODRIGUEZ.

H.R. 367: Mr. TAUZIN.

H.R. 411: Ms. STABENOW.

H.R. 426: Mr. SNYDER, Mr. PAUL, Mr. SOUDER, and Mr. ALLEN.

H.R. 457: Mr. SENSENBRENNER.

H.R. 475: Mr. MCDADE, Mr. FOGLIETTA, and Mr. MASCARA.

H.R. 482: Mr. ENGEL and Mr. BURTON of Indiana.

H.R. 538: Mr. DELLUMS.

H.R. 594: Mr. ROTHMAN, Mr. SHAW, Mr. CAMPBELL, and Mr. MORAN of Virginia.

H.R. 601: Mr. WATT of North Carolina.

H.R. 602: Mr. WATT of North Carolina.

H.R. 614: Mr. HALL of Texas.

H.R. 619: Mr. ROTHMAN, Mr. BLAGOJEVICH, Mr. DOYLE, Mr. KASICH, and Mr. BONIOR.

H.R. 620: Mr. SKAGGS.

H.R. 681: Mr. RIGGS, Mr. LANTOS, Mr. CAPPS, Mr. SHERMAN, Mr. DELLUMS, Ms. WOOLSEY, Mr. COX of California, and Mr. TORRES.

H.R. 712: Mr. THOMPSON and Mr. LEWIS of Georgia.

H.R. 716: Mr. GOODLATTE.

H.R. 761: Mr. WATT of North Carolina.

H.R. 789: Ms. CARSON.

H.R. 793: Mr. FROST.

H.R. 872: Mr. ROTHMAN and Mr. TORRES.

H.R. 875: Mr. ENGLISH of Pennsylvania, Mr. HEFNER, Mr. DAVIS of Florida, Mr. ALLEN, and Mr. DEAL of Georgia.

H.R. 883: Mr. DOOLEY of California.

H.R. 953: Mr. GILMAN, Mr. PAYNE, and Mr. OWENS.

H.R. 955: Mr. BARCIA of Michigan.

H.R. 977: Mr. GOODE and Mr. WOLF.

H.R. 1114: Mr. EVANS.

H.R. 1129: Mr. MICA, Ms. KILPATRICK, and Mr. SKAGGS.

H.R. 1134: Mr. BARTON of Texas.

H.R. 1223: Mr. WATT of North Carolina.

H.R. 1238: Mr. WATT of North Carolina.

H.R. 1239: Mr. WATT of North Carolina.

H.R. 1281: Mr. GILLMOR, Mr. WEXLER, and Mr. ALLEN.

H.R. 1285: Mr. KING.

H.R. 1329: Mr. GILCHREST.

H.R. 1375: Mr. MATSUI.

H.R. 1425: Ms. LOFGREN.

H.R. 1450: Mr. BECERRA.

H.R. 1514: Mr. WISE.

H.R. 1549: Mr. SKAGGS.

H.R. 1556: Mr. TANNER and Ms. SLAUGHTER.

H.R. 1574: Mr. HOEKSTRA, Mr. BURTON of Indiana, and Mr. HILL.

H.R. 1592: Mr. KLUG.

H.R. 1610: Mr. FLAKE, Mr. LAFALCE, Mr. HINCHEY, Mr. QUINN, and Mrs. MCCARTHY of New York.

H.R. 1613: Mr. SHIMKUS.

H.R. 1623: Mr. ENGLISH of Pennsylvania.

H.R. 1624: Mr. FOGLIETTA and Mr. MCGOVERN,

H.R. 1666: Mr. KLUG.

H.R. 1689: Mr. PALLONE, Mr. RUSH, and Ms. FURSE.

H.R. 1704: Mr. ENGLISH of Pennsylvania and Mr. MANZULLO.

H.R. 1705: Mrs. ROUKEMA and Mrs. MCCARTHY of New York.

H.R. 1719: Mr. WALSH, Mrs. EMERSON, and Mr. COLLINS.

H.R. 1723: Mr. WATT of North Carolina.

H.R. 1724: Mr. WATT of North Carolina.

H.R. 1727: Mr. BILBRAY.

H.R. 1743: Mr. BARTON of Texas.

H.R. 1748: Mr. Shays, Mr. BALDACCI, Mr. HINCHEY, and Mr. HALL of Ohio.

H.R. 1754: Mr. ENGLISH of Pennsylvania and Mr. FILNER.

H.R. 1788: Mr. FROST, Mrs. MEEK of Florida, and Mr. HILLIARD.

H.R. 1799: Mrs. EMERSON and Mr. HOEKSTRA.

H.R. 1839: Mr. OXLEY.

H.J. Res. 64: Mr. BOYD.

H. Con. Res. 68: Mr. BARRETT of Wisconsin.

H. Con. Res. 75: Mr. DOOLITTLE.

H. Con. Res. 80: Mr. HUTCHINSON, Mr. MCINTYRE, Mr. MANZULLO, and Mrs. KELLY.

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. 663: Mr. BARCIA of Michigan.

EXTENSIONS OF REMARKS

TAX RELIEF

HON. RON PACKARD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. PACKARD. Mr. Speaker, I rise today in support of America's families. Yesterday afternoon, Ways and Means chairman BILL ARCHER unveiled our plan to provide tax relief for American families. This Nation's hard-working, tax-paying citizens have finally won a major victory.

Mr. Speaker, I am proud that my Republican colleagues have kept our promise to the American people by providing the first major tax relief in 16 years. It is hard to believe that only 4 years ago, a Democrat-controlled Congress passed the largest tax increase in the history of mankind. We have undoubtedly come a very long way.

All too often, our detractors overlook the heavy burden of taxation on families. According to the Tax Foundation, the average American household will pay $24,357 in taxes in 1997. That is over a 5 percent increase since last year.

Chairman ARCHER has fired the first salvo in our fight to return dollars back to families and out of Washington. Tax relief has become a reality because the American people spoke loudly and their elected representatives have listened.

I urge my colleagues to now continue our fight for America's families by working to abolish the IRS altogether and enact a fairer, flatter tax system. I have cosponsored legislation that would establish a national retail sales tax in favor of our current Tax Code.

Mr. Speaker, tax relief is vital to the steady growth of the American economy and to the continued health of the American family.

CONGRATULATIONS TO SOUTHWEST GUILFORD MEN'S BASEBALL TEAM

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. COBLE. Mr. Speaker, right now we are deep into baseball season. From the majors to the minors, from Little League to Babe Ruth League, tens of thousands of men, women, boys, and girls are happily engaged in the Nation's pastime. Among those participants were our Nation's high school baseball teams.

The just-concluded high school baseball season was extremely exciting in the Sixth District of North Carolina. For the first time, the Southwest Guilford High School men's baseball team won the 2–A State championship, defeating Cherryville High School 6 to 4. Southwest Guilford High School, located just outside of Greensboro, NC, capped a 21–11 season with the State title.

The Cowboys have been in the State playoffs for 4 straight years, but they could not have won it this year without an outstanding performance by pitcher and series MVP Jeff Montgomery. However, after being carried off the field with an injury, Montgomery was replaced by pitcher Tim Schilling. At one point during the game, head coach Mike Herndon almost pulled Schilling when Cherryville closed in on the Cowboys 6 to 4, but Schilling persevered and was able to pull through to pitch a winning game.

All of the Cowboys contributed to the State crown including Keith Morris, Andy Harney, Derik Idol, Erick McCoy, James Coates, Zack Samuels, Matt Fletcher, Aaron Berham, Stanton Horne, Brian Mitchell, Brian Tollerson, Ashton Frank, Duane McMurty, Blake Cross, Nick House, Matt Petzoid, Price Stevens, and Ryan Boedicke. Overseeing this group were Head Coach Mike Herndon, Trainer Stacey Foard, Student Trainer Meredith Adsit, Athletic Director Richard Kemp, and Principal Wayne Tuggel.

Congratulations to the Cowboys on an outstanding season. On behalf of the citizens of the Sixth District of North Carolina, we congratulate the Southwest Guilford men's baseball team for winning the State 2A championship.

IN HONOR OF ALLAN B. WEINGOLD

HON. THOMAS M. DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. DAVIS of Virginia. Mr. Speaker, it gives me great pleasure to rise and pay tribute to Allan B. Weingold, who has served in the medical profession since 1955. Dr. Weingold will be retiring this month after 40 years of service to the medical profession.

Allan Weingold was born in New York in 1930. After graduating from Oberlin College and attaining his medical degree from New York Medical College, he began his residency at Mount Sinai Hospital in New York which he completed in 1960. During this time, Allan was also the chief of service for the U.S. Army at Rodriguez Army Hospital in San Juan, PR.

After serving as a American Cancer Society Fellow in Gynecologic Oncology, he joined the faculty of the New York Medical College and because the professor and associate chairman of the department of obstetrics and gynecology. In 1973, Dr. Weingold became the professor and chairman of the department of the George Washington University Medical Center, a position he held until 1993. He also served as chairman of the Governing Board of the Medical Faculty Associates, a 300 member multispecialty practice group, and as interim vice president for medical affairs in 1992–93. On March 1, 1995, he assumed the role as vice president and executive dean at the George Washington University Medical Center.

Dr. Weingold is a senior examiner for the Examiner for the American Board of Obstetrics and Gynecology, a former president of the Association Professors of Gynecology and Obstetrics, a former president of the Washington Gynecological Society, a member of the Council of the American Gynecology and Obstetrics Society, and the author of 110 text books, chapters, and other scientific publications.

Dr. Weingold has been honored for his knowledge and skill in his field. He has received numerous awards, including the Conrad Tharaldsen Scholastic Award. He is also a member of the Contin Honor Society and Alpha Omega Alpha, Iota Chapter.

I have known Allan Weingold for 20 years and am proud of his many accomplishments. He has overseen the training of literally hundreds of doctors, many of whom are currently practicing in the Washington metropolitan area. His high standards of ethics, his professional demeanor, and the high-quality of medical practice he has imparted to his students, residents, and leave a lasting legacy for the Washington region's health care. I am proud to have had the opportunity to know this extraordinary man.

Mr. Speaker, I know that my colleagues will join me in applauding Dr. Weingold for his extraordinary efforts and career successes in providing the citizens of the District of Columbia with quality health care. Although his presence will be sorely missed, we wish him and his wife, Marjorie, great success in their future endeavors.

TRIBUTE TO MSGR. JOHN J. BRADLEY

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention a remarkable celebration that recently took place to honor Msgr. John J. Bradley as well as the 135th anniversary of St. Bernardine Church in San Bernardino, CA. On June 7, the parish hall was rededicated and named after Monsignor Bradley, a beloved and cherished figure in the history of this historic downtown church.

Monsignor Bradley was ordained on June 4, 1942 at St. Kierans' College, Kilkenny, Ireland, and served in Ireland and England until coming to the United States in 1946. In December 1946, he began serving as an assistant at Sacred Heart Church in Ocean Beach. Monsignor Bradley also served as a pastor at St.

Joseph's Church in Holtville from 1951 to 1953 and at St. John's Church in Encinitas from 1953 to 1961. In June 1961, he became a pastor at St. Bernardine's in San Bernardino, a tenure that lasted 31 years. In July 1992, Monsignor Bradley began 1 year of retired service in residence at St. Bernardine's.

Mr. Speaker, I ask that you join me and our colleagues in paying tribute to this gentle man who has served and inspired our community over the years. One cannot begin to describe the esteem in which this beloved man is held in the local parish. It is only fitting that the House of Representatives recognize his dedicated and faithful service today.

THE NATURAL RESOURCE SUMMIT OF AMERICA

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MILLER of California. Mr. Speaker, I want to take a few moments to talk about one of the silver linings in the cloud of apprehension and mistrust left behind by the 104th Congress in its handling of environmental issues. One of the very good things that came out of that Congress was the formation of the Natural Resource Summit of America. The NRSA is a coalition of now 37 organizations determined not to let natural resource policy in this country fall victim to the sort of extremism that was all too often evident in that 104th Congress.

The existence of one more environmental coalition isn't usually cause for notice. But the NRSA is different, because in this one collection of separate and independent groups, you see the first very impressive signs of the profound change occurring in the debate over natural resources. For the first time in a very long time, hunters, anglers, environmentalists, outdoor publications, outdoor business groups, natural resource scientists, and others have come together around a common set of principles.

One of the NRSA's leaders is Helen Sevier, the Chair and CEO of B.A.S.S., Inc., the parent company of the Bass Anglers Sportman Society. Joined by my distinguished colleague SHERWOOD BOEHLERT, I had the pleasure of meeting Helen and hearing her speak last summer at the NRSA's first grassroots meeting in Birmingham. When I listened to her describe the NRSA, it was clear that the groups were uniting not only around common environmental principles, but also around common sense and an end to partisanship and extreme language.

That day in Birmingham, she recalled being labeled as an "environmental extremist" for opposing the Clean Water Act reauthorization process in the House in the 104th Congress:

> We said, "wait a minute, these guys really don't get it. They don't understand the way Americans really feel about their natural resources. They don't appreciate the 25 years of phenomenal progress that has been made improving our Nation's air and water quality. And they don't recognize the needs that still exist to restore ecosystems and fish and wildlife habitat." So we thought that if the environmental groups and the concerns they expressed on natural resource legislation were considered by Congress to be extreme, or not representative of the values of average Americans, then by merging the image of the hunting and fishing groups with the environmentalists we may be able to refocus congressional attention on the importance of natural resource values among their constituents.

Mr. Speaker, the attention of Congress is already being refocused by cooperative efforts like that of the NRSA. On issues like protection of land and water habitats, clean water, wetlands, and forests, the vast outdoor community has shown its concern and its strength. The NRSA recently sent a letter to every Member of Congress stating the groups' priorities. They include maintaining the integrity of our public lands and waters and keeping them public, strengthening the Clean Water Act, and enhancing funding for the stewardship of public lands and natural resources.

These priorities are the result of more than a year of discussions between some very different people: a pair of scientists, one from the American Fisheries Society another from the National Wildlife Federation, a land protection specialist from the Sierra Club, a conservation expert from the B.A.S.S., an editor at Sports Afield magazine, a lawyer from the Environmental Defense Fund, just to name a few. These discussions produced a framework for action and a set of common sense shared goals.

Mr. Speaker, we are going to hear a lot from the NRSA in the coming months about natural resource policy. But I think we can learn more from than a set of positions on issues. We can learn that groups and individuals who share a vision of the future and are dedicated to the hard work of getting there, should refuse to let traditional partisanship, extreme rhetoric, or simple complacency stand in their way. It's a lesson the NRSA appears to have learned and an example for this Congress to follow.

MONTGOMERY COUNTY, MD, COMMISSION FOR WOMEN: TWENTY-FIVE YEARS OF SERVICE

HON. CONSTANCE A. MORELLA

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mrs. MORELLA. Mr. Speaker, I rise today to salute the Montgomery County, MD, Commission for Women as it celebrates 25 years of service to the women of the county. To mark the occasion, the commission will hold a gala dinner, and the proceeds from the event will be used to support a scholarship fund and services for displaced homemakers and disadvantaged women.

In 1972, I had the great privilege and honor to serve on the first Commission and later to be elected as its second president. I have watched with pride as it has grown into an important voice and resource for women throughout the Washington metropolitan area. The commission advises the county executive, the county council, county agencies, and the general public on issues of concern to county women and their families. But, most importantly, the commission is there on a daily basis to serve the immediate and long-term needs of women in Montgomery County.

The Commission for Women provides such direct services as personal and career counseling, career-readiness classes, programs for displaced homemakers, workshops on changing careers, family crisis and transition services for events like separation and divorce and job loss, and workshops on women's health, sexual harassment, dependent care, and time management skills.

This year, as part of its anniversary observance, the commission released a study on the status of women in Montgomery County, an invaluable tool for both the general public and elected officials. Comprising 52 percent of the population, the women of Montgomery County play a critically important role in the county's social and economic health. The study calls for a "paradigm shift in the development of laws, policies, practices and procedures affecting education, employment, health, law enforcement and crime prevention" and underscores an "urgent need to reevaluate outdated policies of schools and of most employers * * * based on the assumption of a single wage earner and an at-home parent."

Montgomery County, MD, has grown and changed in the last 25 years from a quiet bedroom suburb of Washington, DC, into a thriving cosmopolitan community. Over the years, the Montgomery County Commission for Women has been an important force in meeting the challenge of that change and in helping women and their families adjust to and prosper in a dynamic and diverse society.

Mr. Speaker, please join with me in saluting the Montgomery County Commission for Women and its talented and dedicated staff for 25 years of extraordinary service to the people of my county.

DEATH OF AMBASSADOR OMER EISSA

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. RANGEL. Mr. Speaker, I rise to pay tribute to former Ambassador Omer Eissa, who died in a tragic automobile accident while visiting Sudan on May 20. Ambassador Eissa served with great distinction as Sudan's Ambassador to Washington when Gaafar Mohammed Numeiry was President of Sudan. Ambassador Eissa was a great friend of the United States, and many Members of Congress had the great pleasure of knowing him. I will always be grateful to Ambassador Eissa for the hospitality that he extended to the Dance Theater of Harlem during several of their visits to Washington.

Ambassador Eissa had a long and diversified public service career in Sudan. As a member of the Sudanese Parliament, he was chairman of the Committee on Housing and Education. He was also a member of the Blue Ribbon Committee on Refugees. Subsequently, he was appointed as a member of

President Numeiry's cabinet, which he later left to become Ambassador to the United States, serving concurrently as nonresident Ambassador to Canada and Mexico. While in Washington, Ambassador Eissa served as dean of the Council of Arab Ambassadors as well as dean of the Council of African Ambassadors.

After the coup that removed President Numeiry from office in 1985, Ambassador Eissa made his home near Washington and became an American citizen. I wish to extend my most heartfelt condolences to his wife and children, who can be very proud of what Ambassador Eissa has done for the people of Sudan.

THOMAS B. EVANS, JR.

Washington, DC, May 26, 1997.

Hon. CHARLES B. RANGEL,
Rayburn House Office Building, Washington, DC.

DEAR CHARLIE, A good friend of mine, Omer Eissa, recently died in a tragic automobile accident in Sudan where he was visiting a brother who was very ill.

Omer was always a great friend of the United States and hosted Arthur Mitchell and Dance Theatre of Harlem at the Sudanese Embassy on several occasions. You may recall the time we sat in the Presidential Box with the Reagans to watch Dance Theatre perform at the Kennedy Center.

I believe Omer's wife would very much appreciate it if you included some remarks about him in the Congressional Record (a draft statement is attached).

Let's get together one of these days when Alma and Mary Page are in town. She joins me in sending our warmest regards to you both.

Sincerely,

Tom.

WELCOMING REAR ADM. NORMAN T. SAUNDERS TO FLORIDA

HON. E. CLAY SHAW, JR.

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SHAW. Mr. Speaker, I rise today to welcome Rear Adm. Norman T. Saunders to south Florida as the new Commander of the Seventh Coast Guard District and Maritime Defense Command Seven.

Admiral Saunders, in his 30 plus years of service, has represented the U.S. Coast Guard with distinction. Before joining the Seventh District, Admiral Saunders served as chief in the Office of Law Enforcement and Defense Operations. In this capacity, Admiral Saunders directed several Coast Guard programs including enforcement of laws and treaties, operational and military readiness, intelligence, and investigative and security activities. The success of these programs is a testament to the leadership of Admiral Saunders.

Admiral Saunders is the recipient of numerous decorations including two awards of the Legion of Merit, the Bronze Star Medal with Combat "V", two awards of the Coast Guard Commendation Medal, the Navy Commendation Medal with Combat "V", and the Coast Guard Achievement Medal.

Mr. Speaker, the Seventh District, which encompasses 1.8 million square miles in the Atlantic Ocean and Caribbean Sea, plays a vital role in deterring illegal narcotics from entering our streets and communities. Keeping illegal narcotics out of the hands of our youth is one of the many difficult challenges the Coast Guard and the Seventh District face everyday. In addition, the Seventh keeps illegal immigrants from entering the United States. Since 1992, over 43,000 Cuban and 58,000 Haitian migrants have been interdicted by the Seventh. Whether it's fighting the war on drugs or illegal migrant interdictions, I am certain Admiral Saunders will continue the great work of the Seventh District in keeping our shores and waterways clear of any potential dangers.

Mr. Speaker, on behalf of the Florida congressional delegation, I welcome Admiral Saunders and his wife Chris to south Florida and urge my colleagues to pay tribute to a man who continues to serve his country with honor.

A TRIBUTE TO WALTER BETAR

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SHUSTER. Mr. Speaker, it is with great pride that I rise today to pay tribute to Mr. Walter Betar, a long time servant of the Altoona Area School District within my congressional district. Mr. Betar will be retiring from the Altoona Area High School where he has dutifully served as principal for 25 years of his 41-year career with the district. Please join me in wishing him the best of luck as he begins to pursue new challenges in his retirement.

Mr. Betar graduated from the Altoona Area High School in 1950. Upon graduation he was accepted at the Pennsylvania State University where he went on to earn his B.A. in the General Arts and Sciences. He then attended the Indiana University of Pennsylvania where he earned a Masters of Education in guidance and Counseling. In 1958, during his own academic pursuits, he began his distinguished career in education as a Social Studies instructor at the Altoona Area High School. Mr. Betar would soon move on to administrative positions within his field, first serving as a guidance counselor and then serving as the Director of Federal Programs. During this time he continued to lead by example by continuing his own education, attending Shippensburg State College and the University of Pittsburgh. In 1972 Mr. Betar became Principal of the Altoona Area High School, the very school he had graduated from 22 years earlier.

His 41 years of service with the Altoona Area School District is truly testament to his dedication to the field of education and our community. His lifelong commitment to generations of students is not only commendable but more importantly it has played a valuable part in shaping generations of our youth. Students rely heavily on their educators as role models in their development and we have been very lucky to have such an outstanding example and leader in Mr. Betar.

Mr. Speaker, I will close by once again asking you to help me pay tribute to Mr. Walter Betar on his retirement. His life has been one of service and dedication to others and I am honored to have him as one of my constituents. I would like to thank Walt for his commitment to others and for making our community a better place to live. I wish him the very best in all that he pursues.

SPANISH PEAKS WILDERNESS ACT OF 1997

HON. DAVID E. SKAGGS

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SKAGGS. Mr. Speaker, today I am introducing a bill to give permanent protection as wilderness to the heart of the Spanish Peaks area in Colorado.

The bill is cosponsored by my colleague from Colorado, Mr. MCINNIS. I greatly appreciate his assistance and support.

The mountains now usually known as the Spanish Peaks are two volcanic peaks in Las Animas and Huerfano Counties whose Native America name is Wayatoya. The eastern peak rises to 12,683 feet above sea level, while the summit of the western peak reaches 13,626 feet. The two served as landmarks not only for native Americans but also for some of Colorado's other early settlers and for travelers along the trail between Bent's Old Fort on the Arkansas River and Taos, NM.

With this history, it's not surprising that the Spanish Peaks portion of the San Isabel National Forest was included in 1977 on the National Registry of Natural Landmarks.

The Spanish Peaks area has outstanding scenic, geologic, and wilderness values, including a spectacular system of over 250 free standing dikes and ramps of volcanic materials radiating from the peaks. The State of Colorado has designated the Spanish Peaks as a natural area, and they are a popular destination for hikers seeking an opportunity to enjoy an unmatched vista of southeastern Colorado's mountains and plains.

The Forest Service reviewed the Spanish Peaks area for possible wilderness designation as part of its second roadless area review and evaluation—known as RARE II—and in 1979 recommended designation as wilderness of 19,570 acres. Concerns about private land inholdings in the area prompted Congress, in the Colorado Wilderness Act of 1980, to instead provide for its continued management as a wilderness study area.

A decade later, the Colorado Wilderness Act of 1993 included provisions for long-term management of all the other wilderness study areas in our State's national forests, but meanwhile questions about the land-ownership pattern in the Spanish Peaks area had prompted the Forest Service to change its mind about designating it as wilderness. That, in turn, led to inclusion in the 1993 wilderness bill of a requirement for its continued management of that area as a wilderness study area for 3 years—until August 13, 1996. The 1993 bill also required the Forest Service to report to Congress concerning the extent of non-Federal holdings in the likelihood of acquisition of those holdings by the United States with the owners' consent.

The required report was submitted in 1995. It indicated that within the wilderness study area, there were about 825 acres where the United States owned neither the surface nor the mineral rights, and about 440 acres more where the United States owned the surface but not the minerals. Since then, through voluntary sales, the United States has acquired most of the inholdings. Today only 188 acres of inholdings remain, and 80 of those acres are held by the Wilderness Land Trust, which plans to transfer them to the Forest Service. So the way is now clear for Congress to finish the job of protecting this outstanding area by designating it as part of the National Wilderness Preservation System.

The bill I am introducing today would designate as wilderness about 18,000 acres of the San Isabel National Forest, including both of the Spanish Peaks as well as the slopes below and between them. This includes most of the lands originally recommended for wilderness by the Forest Service, but with boundary revisions that will exclude some private lands.

The lands covered by this bill are not only striking for their beauty and value for primitive recreation, but also for attributes that create unique conditions for endemic plant communities. They fully merit—and need—the protection that will come from their designation as wilderness.

The bill itself is very simple. It would just add the Spanish Peaks area to the list of areas designated as wilderness by the Colorado Wilderness Act of 1993. As a result, all the provisions of the act—including the provisions related to water—would apply to the Spanish Peaks area just as they do to the other areas on that list. Like all the areas now on that list, the Spanish Peaks area covered by this bill is a headwaters area, which for all practical purposes eliminates the possibility of water conflicts. There are no water diversions within the area.

Mr. Speaker, enactment of this Spanish Peaks bill will not finish the job of protecting the Federal lands in Colorado that need the protection that comes with designation as wilderness. We need to provide that protection for lands in Rocky Mountain National Park, as would be done by my bill—H.R. 302—now pending before the Committee on Resources, and also for other areas of our State, including many managed by the Bureau of Land Management. I will continue to work to achieve the protection of these areas. But in the meantime, we should act without delay to pass this important measure for the Spanish Peaks area.

ONONDAGA COUNTY COMMISSIONER OF SOCIAL SERVICES, ROBERT STONE, RETIRING AFTER 24 YEARS OF PUBLIC SERVICE

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. WALSH. Mr. Speaker, today I ask my colleagues to join me in commending the Onondaga County Commissioner of Social Services, Robert Stone, for 24 years of dedicated public service as he begins his retirement this month.

Bob Stone is truly a leader in our community. His professionalism, integrity, and leadership throughout his tenure are a testament to his character and high standard in public service.

The commissioner worked tirelessly to revitalize our social service system by opening lines of communication within the department, securing grants, and working with State legislators to produce responsible social service law. The result has been a productive, sensitive, and often innovative department.

Central New York owes a debt of gratitude to Commissioner Stone for his exemplary public service record and his caring approach to helping the truly needy. He joins a very distinguished group of former commissioners of social services, such as John Lascaris and William Walsh.

It is with great admiration and respect that I wish Commissioner Robert Stone the best as he retires from public service and thank him. He leaves our community better for his presence.

TRIBUTE TO PAULA PORTER

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LEWIS of California. Mr. Speaker, I would like to bring to your attention the fine work and outstanding public service of Paula Porter, the outgoing chairman of the board of the Victorville Chamber of Commerce in Victorville, CA. Paula was recently honored for her dedicated advocacy on behalf of the citizens and business community of the Victor Valley.

Paula Porter graduated from Victor Valley High School and is a 1981 graduate of the University of Redlands with a bachelor of science degree in business administration. A native Californian and seventh generation native of San Bernardino County, she works as vice president and treasurer of Porter Real Estate. She is the former city clerk and assistant to the city manager for the city of Victorville. Over the years, she has also served in a variety of civic and community oriented capacities.

Paula's longstanding commitment to and support of the Victorville Chamber is demonstrated through her fine leadership and many years of active participation. She was first elected to the board in 1992 and has served in many capacities—vice president for membership services, vice president for financial services, vice president for community services, vice president for business services, and vice president for economic development.

As chairman of the board, Paula has developed a number of new ventures for the chamber including participation in the U.S. Chamber of Commerce Accreditation Program and developing a partnership with the Victor Valley Daily Press newspaper. Over the years, her work has also resulted in technological advances for the chamber including the addition of new computers and an Internet web site.

Mr. Speaker, Paula Porter provides an example of leadership that is deeply respected and admired by her professional colleagues and the community at large. I ask that you join me, our colleagues, and Paula's many admirers in thanking her for such dedicated service and wishing Paula and her husband, Bill, the very best in the years ahead.

STATEMENTS OF KRISTY LAVERY, TARO BEDELL, KELLY JENNINGS, AND TORI TILLATOSN, ESSEX TECHNICAL CENTER, REGARDING TEENAGE SMOKING

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 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 Essex Technical Center in Vermont, who were speaking at my recent town meeting on issues facing young people.

Ms. LAVERY. Teenage smoking is a pressing issue in today's society. We feel there is a need with the tobacco industry to try to stop the sale of tobacco to minors. In recent news a big deal was made involving the advertisement of tobacco. For many years the Joe Camel figure in Camel cigarettes has been under the gun. The government believes that advertising is promoting smoking to the young. This is a valid concern considering 3,000 young people a day become a regular smoker according to the 1994 report of the Institute of medicine from the National Academy of Sciences. The number keeps climbing and in 1995, 4.8 percent of students said they had smoked in the last 30 days. Two years earlier in 1993, 3.5 percent said they had smoked in the last 30 days. Two years earlier in 1993, 3.5 percent said they had smoked within the last month. Most of these students admit to buying them without showing proof of ID.

Should the responsibility of cracking down on selling be the sole job of the police? For now it is. It also has to do with store owners and enforcement of punishment and fines. Steps to put more responsibility on store owners are being taken such as the new photo ID law and carding everyone who looks under 27. As a 17-year-old I can tell you I have bought cigarettes when I was younger and had no problem. I have noticed a change in carding more now than I did when I was 15.

The problem is that cigarettes are too accessible to kids. We took a survey at Essex Technical Center on Do you smoke, why or why not? 64 percent of the people said that they had smoked. 35 percent said that they started because of peer pressure. The majority of the non-smokers said they did not smoke because it was gross and it kills you.

We have a tape of interviews from students. We also have those surveys that we did that we can give you and we did. Perhaps we should also show you why the percentages chose to smoke. I feel I have smoked previous in my young years and I quit it because I do not feel I want to die like that. I think it is a disgusting death.

Ms. BEDEL. Yes, it causes cancer, lung cancer, emphysema, and for young kids it is mostly the fact that the health is—you know, in physical activity, you know, people

aren't involved in sports as much and I think it is social. It really has to do with the social part of school.

Ms. LAVERY. A lot of it is peer pressure. They see their friends doing it and everyone picks on you if you do not do it and you get curious and you try doing it and then it is very addictive.

Ms. BEDELL. I do not think it has to do with people picking on other people about it, I think it has to do with like the younger grades in the high school see seniors or juniors in high school smoking and I think that that has a lot to do with it. I know at the Tech Center we go to you are not allowed to—well you cannot smoke on any school property anymore and we have to go off school property to smoke, and I think it is just—it is not a privilege because we do not have a privilege, we have to leave, but I think the younger students see it as a way to get out of school or a way to try to fit in with the older kids. Government control over smoking is going overboard but the money that is spent on smoking is outrageous and kind of ridiculous considering the fact that more and more teenagers are smoking each year. And I agree with the new photo ID law, I am all for that, but I do not think it is being watched enough, I do not think it is being used in many cases in small businesses, and I think it has to start at home, that the government has to take it out of the police's hands and like storeowners' hands and put it into the homes and you know, teach parents how to talk to their kids about smoking because it starts at home.

COMMENCEMENT ADDRESS OF SECRETARY OF STATE MADELEINE K. ALBRIGHT AT HARVARD UNIVERSITY 50 YEARS AFTER SECRETARY OF STATE GEORGE C. MARSHALL ANNOUNCED THE MARSHALL PLAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LANTOS. Mr. Speaker, this past week the United States and the countries of Western Europe celebrated the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall plan was first publicly discussed.

Fifty years to the day after Secretary Marshall delivered that seminal speech, our current Secretary of State, Madeleine K. Albright, was likewise honored with an honorary degree from Harvard University. It was an appropriate and well-deserved honor for Secretary Albright. She has demonstrated during her 5 short months as Secretary of State great sensitivity and outstanding ability to deal with the foreign policy issues facing our Nation. During the previous 4 years when she served as the Permanent U.S. Representative to the United Nations, she demonstrated great diplomatic capability as she acted to further our interests in that world body. She has had a most distinguished academic career, and she has been actively involved in public service throughout her life.

In her address at the Harvard University commencement, Secretary Albright, gave an address that was a masterfully crafted balance of graduation humor, tribute to her predecessor coupled with proper commemoration of the 50th anniversary of the Marshall plan, and the articulation of a vision of the challenges and opportunities for United States foreign policy at the end of the 20th and the beginning of the 21st century.

Mr. Speaker, I ask that Secretary Albright's historic commencement address be placed in the RECORD and I urge my colleagues to give it the serious and thoughtful attention is clearly deserves.

Secretary Albright: Thank you. Thank you, President Pforzheimer, Governor Weld, President Rudenstine, President Wilson, fellow honorands, men and women of Harvard, all those who comprise the Harvard community, guests and friends, thank you.

I'm delighted to be here on this day of celebration and rededication. To those of you who are here from the class of '97, I say congratulations. (Applause.) You may be in debt, but you made it. (Laughter.) And if you're not in debt now, after the alumni association get through with you, you will be. (Laughter and applause.)

In fact, I would like to solicit the help of this audience for the State Department budget. (Laughter.) It is under $20 billion.

As a former professor and current mother, I confess to loving graduation days—especially when they are accompanied by a honorary degree. I love the ceremony; I love the academic settings; and although it will be difficult for me today—let's be honest—I love to daydream during the commencement speech. (Laughter.)

Graduations are unique among the milestones of our lives, because they celebrate past accomplishments, while also anticipating the future. That is true for each of the graduates today, and it is true for the United States. During the past few years, we seem to have observed the 50th anniversary of everything. Through media and memory, we have again been witness to paratroopers filling the skies over Normandy; the liberation of Buchenwald; a sailor's kiss in Times Square; and Iron Curtain descending; and Jackie Robinson sliding home.

Today, we recall another turning point in that era. For on this day 50 years ago, Secretary of State George Marshall addressed the graduating students of this great university. He spoke to a class enriched by many who had fought for freedom, and deprived of many who had fought for freedom and died. The Secretary's words were plain; but his message reached far beyond the audience assembled in this year to an American people weary of war and wary of new commitments, and to a Europe where life-giving connections between farm and market, enterprise and capital, hope and future had been severed.

Secretary Marshall did not adorn his rhetoric and high-flown phrases, saying only that it would be logical for America to help restore normal economic health to the world, without which their could be no political stability and no assured peace. He did not attach to his plan the label, Made in America; but rather invited European ideas and required European countries to do all they could to help themselves. His vision was inclusive, leaving the door open to participation by all, including the Soviet Union—and so there would be no repetition of the punitive peace of versailles—also to Germany.

British Foreign Secretary Ernest Bevin called the Marshall Plan a "lifeline to sinking men," and it was—although I expect some women in Europe were equally appreciative. (Laughter)

By extending that lifeline, America helped unify Europe's west around democratic principles, and planted seeds of transatlantic partnership that would soon blossom in the form of NATO and the cooperative institutions of a new Europe. Just as important was the expression of American leadership that the Marshall Plan conveyed.

After World War I, America had withdrawn from the world, shunning responsibility and avoiding risk. Others did the same. The result in the heart of Europe was the rise of great evil. After the devastation of World War II and the soul-withering horror of the Holocaust, it was not enough to say that the enemy had been vanquished, that what we were against had failed.

The generation of Marshall, Truman and Vandenberg was determined to build a lasting peace. And the message that generation conveyed, from the White House, from both parties on Capitol Hill, and from people across our country who donated millions in relief cash, clothing and food was that this time, America would not turn inward; America would lead.

Today, in the wake of the Cold War, it is not enough for us to say that Communism has failed. We, too, must heed the lessons of the past, accept responsibility and lead. Because we are entering a century in which there will be many interconnected centers of population, power and wealth, we cannot limit our focus, as Marshall did in his speech to the devastated battleground of a prior war. Our vision must encompass not one, but every continent.

Unlike Marshall's generation, we face no single galvanizing threat. The dangers we confront are less visible and more diverse—some as old as ethnic conflict, some as new as letter bombs, some as subtle as climate change, and some as deadly as nuclear weapons falling into the wrong hands. To defend against these threats, we must take advantage of the historic opportunity that now exists to bring the world together in an international system based on democracy, open markets, law and a commitment to peace.

We know that not every nation is yet willing or able to play its full part in this system. One group is still in transition from centralized planning and totalitarian rule. Another has only begun to dip its toes into economic and political reform. Some nations are still too weak to participate in a meaningful way. And a few countries have regimes that actively oppose the premises upon which this system is based.

Because the situation we face today is different from that confronted by Marshall's generation, we cannot always use the same means. But we can summon the same spirit. We can strive for the same sense of bipartisanship that allowed America in Marshall's day to present to both allies and adversaries a united front. We can invest resources needed to keep America strong economically, militarily and diplomatically-recognizing, as did Marshall, that these strengths reinforce each other. We can act with the same knowledge that in our era, American security and prosperity are linked to economic and political health abroad. And we can recognize, even as we pay homage to the heroes of history, that we have our own duty to be authors of history.

Let every nation acknowledge today the opportunity to be part of an international system based on democratic principles is available to all. This was not the case 50 years ago.

Then, my father's boss, Jan Masaryk, foreign minister of what was then Czechoslovakia—was told by Stalin in Moscow that his country must not participate in the Marshall Plan, despite its national interest in doing so. Upon his return to Prague, Masaryk said it was at that moment, he understood he was employed by a government no longer sovereign in its own land.

Today, there is no Stalin to give orders. If a nation is isolated from the international community now, it is either because the country is simply too weak to meet international standards, or because its leaders have chosen willfully to disregard those standards.

Last week in the Netherlands, President Clinton said that no democratic nation in Europe would be left out of the transatlantic community. Today I say that no nation in the world need be left out of the global system we are constructing. And every nation that seeks to participate and is willing to do all it can to help itself will have America's help in finding the right path. (Applause.)

In Africa, poverty, disease, disorder and misrule have cut off millions from the international system. But Africa is a continent rich both in human and natural resources. And today, it's best new leaders are pursuing reforms that are helping private enterprise and democratic institutions to gain a foothold. Working with others, we must lend momentum by maintaining our assistance, encouraging investment, lowering the burden of debt and striving to create successful models for others to follow.

In Latin America and the Caribbean, integration is much further advanced. Nations throughout our hemisphere are expanding commercial ties, fighting crime, working to raise living standards and cooperating to ensure that economic and political systems endure.

In Asia and the Pacific, we see a region that has not only joined the international system, but has become a driving force behind it—a region that is home to eight of the ten fastest growing economies in the world.

With our allies, we have worked to ease the threat posed by North Korea's nuclear program, and invited that country to end its self-imposed isolation. We have encouraged China to expand participation in the international system and to observe international norms on everything from human rights to export of arms-related technologies.

Finally, in Europe, we are striving to fulfill the vision Marshall proclaimed but the Cold War prevented—the vision of a Europe, whole and free, united—as President Clinton said this past week—"not by the force of arms, but by possibilities of peace."

Where half a century ago, American leadership helped lift Western Europe to prosperity and democracy, so today the entire transatlantic community is helping Europe's newly free nations fix their economies and cement the rule of law.

Next month in Madrid, NATO will invite new members from among the democracies of Central and Eastern Europe, while keeping the door to future membership open to others. This will not, as some fear, create a new source of division within Europe. On the contrary, it is erasing the unfair and unnatural line imposed half a century ago; and it is giving nations an added incentive to settle territorial disputes, respect minority and human rights and complete the process of reform.

NATO is a defensive alliance that harbors no territorial ambitions. It does not regard any state as its adversary, certainly not a democratic and reforming Russia that is intent on integrating with the West, and with which it has forged an historic partnership, signed in Paris just nine days ago.

Today, from Ukraine to the United States, and from Reykjavik to Ankara, we are demonstrating that the quest for European security is no longer a zero-sum game. NATO has new allies and partners. The nations of Central and Eastern Europe are rejoining in practice the community of values they never left in spirit. And the Russian people will have something they have not had in centuries—a genuine and sustainable peace with the nations to their west.

The Cold War's shadow no longer darkens Europe. But one specter from the past does remain. History teaches us that there is no natural geographic or political endpoint to conflict in the Balkans, where World War I began and where the worst European violence of the past half-century occurred in this decade. That is why the peaceful integration of Europe will not be complete until the Dayton Peace Accords in Bosnia are fulfilled. (Applause.)

When defending the boldness of the Marshall Plan 50 years ago, Senator Arthur Vandenberg observed that it does little good to extend a 15-foot rope to a man drowning 20 feet away. Similarly, we cannot achieve our objectives in Bosnia by doing just enough to avoid immediate war. We must do all we can to help the people of Bosnia to achieve permanent peace.

In recent days, President Clinton has approved steps to make the peace process irreversible, and give each party a clear stake in its success. This past weekend, I went to the region to deliver in person the message that if the parties want international acceptance or our aid, they must meet their commitments—including full cooperation with the international war crimes tribunal. (Applause.)

That tribunal represents a choice not only for Bosnia and Rwanda, but for the world. We can accept atrocities as inevitable, or we can strive for a higher standard. We can presume to forget what only God and the victims have standing to forgive, or we can heed the most searing lesson of this century which is that evil, when unopposed, will spawn more evil. (Applause.)

The majority of Bosnia killings occurred not in battle, but in markets, streets and playgrounds, where men and women like you and me, and boys and girls like those we know, were abused or murdered—not because of anything they had done, but simply for who they were.

We all have a stake in establishing a precedent that will deter future atrocities, in helping the tribunal make a lasting peace easier by separating the innocent from the guilty; in holding accountable the perpetrators of ethnic cleansing; and in seeing that those who consider rape just another tactic of war answer for their crimes. (Applause.)

Since George Marshall's time, the United States has played the leading role within the international system—not as sole arbiter of right and wrong, for that is a responsibility widely shared, but as pathfinder—as the nation able to show the way when others cannot.

In the years immediately after World War II, America demonstrated that leadership not only through the Marshall Plan, but through the Truman Doctrine, the Berlin airlift and the response to Communist aggression in Korea.

In this decade, America led in defeating Saddam Hussein; encouraging nuclear stability in the Korean Peninsula and in the former Soviet Union; restoring elected leaders to Haiti; negotiating the Dayton Accords; and supporting the peacemakers over the bomb throwers in the Middle East and other strategic regions.

We welcome this leadership role, not in Teddy Roosevelt's phrase, because we wish to be "an international Meddlesome Matty," but because we know from experience that our interests and those of our allies may be affected by regional or civil wars, power vacuums that create opportunities for criminals and terrorists and threats to democracy.

But America cannot do the job alone. We can point the way and find the path, but others must be willing to come along and take responsibility for their own affairs. Others must be willing to act within the bounds of their own resources and capabilities to join in building a world in which shared economic growth is possible, violent conflicts are constrained, and those who abide by the law are progressively more secure.

While in Sarajevo, I visited a playground in the area once known as "sniper's alley," where many Bosnians had earlier been killed because of ethnic hate. But this past weekend, the children were playing their without regard to whether the child in the next swing was Muslim, Serb or Croat. They thanked America for helping to fix their swings, and asked me to place in the soil a plant which they promised to nourish and tend.

It struck me then that this was an apt metaphor for America's role 50 years ago, when we planted the seeds of renewed prosperity and true democracy in Europe; and a metaphor as well for America's role during the remaining years of this century and into the next.

As this great university has recognized, in the foreign students it has attracted, the research it conducts, the courses it offers and the sensibility it conveys, those of you who have graduated today will live global lives. You will compete in a world marketplace; travel further and more often than any previous generation; share ideas, tastes and experiences with counterparts from every culture; and recognize that to have a full and rewarding future, you will have to look outwards.

As you do, and as our country does, we must aspire to set high standards set by Marshall, using means adapted to our time, based on values that endure for all time; and never forgetting that America belongs on the side of freedom. (Applause.)

I say this to you as Secretary of State. I say it also as one of the many people whose lives have been shaped by the turbulence of Europe during the middle of this century, and by the leadership of America throughout this century.

I can still remember in England, during the war, sitting in the bomb shelter, singing away the fear and thanking God for America's help. I can still remember, after the war and after the Communist takeover in Prague, arriving here in the United States, where I wanted only to be accepted and to make my parents and my new country proud.

Because my parents fled in time, I escaped Hitler. To our shared and constant sorrow, millions did not. Because of America's generosity, I escaped Stalin. Millions did not. Because of the vision of Truman-Marshall generation, I have been privileged to live my life in freedom. Millions have still never had that opportunity. It may be hard for you, who have no memory of that time 50 years ago, to understand. But it is necessary that you try to understand.

Over the years, many have come to think of World War II as the last good war, for if ever a cause was just, that was it. And if ever the future of humanity stood in the balance, it was then.

Two full generations of Americans have grown up since the war—first mine, now yours; two generations of boys and girls, who have seen the veterans at picnics and parades and fireworks saluting with medals and ribbons on their chests; seeing the pride in their bearing and thinking, perhaps, what a fine thing it must have been—to be tested in a great cause and to have prevailed.

But today of all days, let us not forget that behind each medal and ribbon, there is a story of heroism yes, but also profound sadness; for World War II was not a good war. From North Africa to Solerno, from Normandy to the Bulge to Berlin, an entire continent lost to Fascism had to be taken back, village by village, hill by hill. And further eastward, from Tarawa to Okinawa, the death struggle for Asia was an assault against dug-in positions, surmounted only by unbelievable courage at unbearable loss.

Today, the greatest danger to America is not some foreign enemy. It is the possibility that we will fail to hear the example of that generation; that we will allow the momentum toward democracy to stall; take for granted the institutions and principles upon which our own freedom is based; and forget what the history of this century reminds us—that problems abroad, if left unattended, will all too often come home to America. [Applause.]

A decade or two from now, we will be known as neo-isolationists who allowed tyranny and lawlessness to rise again; or as the generation that solidified the global triumph of democratic principles. We will be known as the neo-protectionists, whose lack of vision produced financial meltdown; or as the generation that laid the groundwork for rising prosperity around the world. We will be known as the world-class ditherers, who stood by while the seeds of renewed global conflict were sown; or as the generation that took strong measures to forge alliances, deter aggression and keep the peace.

There is no certain road map to success, either for individuals or for generations. Ultimately, it is a matter of judgment, a question of choice. In making that choice, let us remember that there is not a page of American history, of which we are proud, that was authored by a chronic complainer or prophet of despair. We are doers. We have a responsibility, as others have had in theirs, not to be prisoners of history, but to shape history; a responsibility to fill the role of pathfinder, and to build with others a global network of purpose and law that will protect our citizens, defend our interests, preserve our values, and bequeath to future generations a legacy as proud as the one we honor today.

To that mission, I pledge my own best efforts and summon yours. Thank you very, very much.

125TH ANNIVERSARY OF ENTERPRISE STEAMER COMPANY'S SERVICE TO THE VILLAGE OF WALDEN AND WALDEN FIRE DISTRICT

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. GILMAN. Mr. Speaker, I rise today in recognition of the Enterprise Steamer Company's 125th anniversary of devoted service to the village of Walden and the Walden fire district. A parade will be held on June 14th in honor of the Enterprise Steamer Company's dedication to the village.

On June 11, 1872, the Walden Village trustees purchased the button steam fire engine. Shortly thereafter, the late Thomas W. Bradley used it to organize the Enterprise Steamer Company No. 2. This vehicle is a vital part of home town parades in the village of Walden, as it has been for 125 years.

Like the button steamer, there are also several members of the company who have been instrumental in its affairs. Former Chief Richard Tenney has been active in the company for 68 years and is currently its oldest living member; consequently, Mr. Tenney is one of the few who saw the button steamer in operation. Other long time members include another previous chief, Robert Goldsmith, who has served for 44 years, Lawrence Shaffer, who has worked for 53 years, and the current president of the Enterprise Steamer Company, Michael Pangia. Mr. Pangia, who has been the company's president for 12 years, is a former chief, assistant chief, and deputy chief, and thus has 44 years of active service. The present chief of the Enterprise Steamer Company is Howard R. Edwards, who is the youngest chief ever to serve for any Walden Fire Company.

In order to celebrate its 125th anniversary of assistance to the Walden fire district, the Enterprise Steamer Company has refurbished its original ticker tape. In addition, the original button steamer has been refurbished, and will be drawn by a team of Clydesdale horses in the anniversary parade, akin to the method in which it was used in the late 1800's. The truck used by the company at present time is a 1972 maxim pumper. Refurbished in 1985, the truck has served the company for 26 years and will also be a part of the anniversary parade.

At the 100th anniversary of the Enterprise Steamer Company, President Johnson attended the festivities. The Enterprise Steamer Company is the only company in Walden to be honored with the presence of an American President. This year, I will be attending this momentous occasion in order to pay tribute to a company which has long benefitted the people of the village of Walden. The Enterprise Steamer Company has provided an invaluable service to the community. The parade held in its honor is a tribute to all those citizens who have performed a great service to all.

HONORING JERUSALEM AS ISRAEL'S UNDIVIDED CAPITAL

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. FORBES. Mr. Speaker, I rise in support of the resolution calling upon the Clinton administration to publicly reaffirm as United States policy that Jerusalem remain the undivided capital of Israel and congratulate the residents of Jerusalem and all of Israel on the 30th anniversary of the city's reunification. Two years ago, Congress overwhelmingly passed the Jerusalem Embassy Relocation Act of 1995. This historical legislation marked the first time that United States policy recognized Jerusalem as the undivided capital of Israel, and that the United States Embassy be established in the city no later than May 1999. Today, I rise to commend the House on its most recent vote on this issue. Yesterday, by an overwhelming majority, the House passed House Concurrent Resolution 60 expressing the sense of Congress that Jerusalem is the undivided capital of Israel and urging the Clinton administration to publicly affirm it. I wholeheartedly embrace this resolution.

It is imperative that the United States Government adopt a strong public policy affirming that an undivided Jerusalem must remain the capital of Israel, in support of the only democratically elected government, and America's strongest ally in the Middle East. There are good political reasons why the administration should adopt this congressional mandate as U.S. policy. More importantly, there are significant religious, historical, and moral reasons why Jerusalem must remain the undivided capital of Israel.

Jerusalem is the center of Jewish identity and worship and has been since King David made it his capital 3,000 years ago. Throughout that history, the Jewish people have been faithful stewards of the city of Jerusalem, keeping it safe and open to people of all faiths. So deep is the connection to Jerusalem that almost every piece of Jewish literature—from ancient prayers to modern stories—speaks to Jerusalem's religious and cultural significance.

Only once ion its history has Jerusalem been divided—from 1948 to 1967. Barb wire and mine fields split the city, Jews were forbidden access to the sacred holy sites of Judaism, synagogues were demolished, and gravestones were torn up. Today, all Christians, Muslims, and Jews are allowed unrestricted access to their holy sites and the Israeli Government remains committed to preserving the peaceful coexistence between the diverse religious faiths which live side by side in the city.

Jerusalem has been Israel's capital since the rebirth of the state. Even with the city divided, Jerusalem was dedicated as the capital in 1948. For more than four decades, the offices of Israel's President and Prime Minister, the Knesset, and most government ministries have been located in Jerusalem.

We cannot ignore the challenge that has been placed before us if we are to see Israel survive as a free and flourishing state. We

must back up our good intentions with action. Congress must ensure that adequate funds are made available to facilitate the eventual move of the United States Embassy from Tel Aviv to Jerusalem. This will send a message to our allies and foes alike that the United States will not stand for a divided Jerusalem and a war-torn Israel. I urge my colleagues to support Jerusalem's rightful place in the world as the capital of Israel.

STATEMENTS BY LUC FILLION AND EVAN PAUL, CANAAN HIGH SCHOOL, REGARDING INDUSTRIAL HEMP

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 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 Canaan High School in Vermont, who were speaking at my recent town meeting on issues facing young people.

Mr. FILLION. Congressman Sanders, fellow students, we are here today to voice our opinion on the legalization of industrial hemp. Industrial hemp is not a drug, it is not marijuana; it is a relative of the marijuana plant, but contains virtually no delta-9 tetrahydrocannabinol, or THC, the mind-altering drug found in marijuana. This means that industrial hemp cannot get anyone high, even the most stubborn pot smoker.

There are innumerous benefits to be gained from the cultivation of industrial hemp. If only 6% of the contiguous United States were used to grow hemp, it could supply to us all of the electricity, heat, and all the fuel we need for our cars. Hemp could also be used to make stronger and more moisture-resistant paper which would stop paper from shrinking, curling or deteriorating as easily. An acre of hemp can produce four times as much paper as an acre of trees, saving this country's diminishing forests and the rainforest.

Vermont definitely could benefit from industrial hemp's legalization. If Vermont's agricultural and dairy farmers would turn to industrial hemp as their main asset, the farmers could quadruple their agricultural income.

These are just a few of the ways that industrial hemp can be utilized. We would like to know why we are striving if this invaluable resource can help us so tremendously with our problems today?

Mr. PAUL. Hemp can be used to improve so many of the products that we use today. It can be used in ropes and sails for ships; stronger papers and materials ranging in quality from burlap to silk; and healthier, less fatty foods, especially meat substitutes and birdseed.

Hemp can be used for fuel with a 95% efficiency conversion, and unlike fossil fuels (petroleum) or nuclear power, it is a renewable and replenishable resource, and it is extremely easy to grow in nearly all climates, including Vermont's.

Hemp fiber needs little more than nitrogen to grow. Even here in Vermont hemp and other cannabis plants grow wild in ditches and forests. In fact, Australia survived two 19th century famines on the seeds and leaves of industrial hemp alone.

Mr. FILLION. Many officials believe that legalizing hemp would lead to the legalization of marijuana and eventually even harder drugs such as cocaine and heroin. There is no basis whatever for these assumptions. Industrial hemp, as we have stated, is not a drug, so how do you go from legalizing harmless plants to legalizing hard-core drugs? There is no connection between the two.

It makes no sense to be afraid of a plant that has been grown for thousands of years around the globe. In fact, industrial hemp was grown in the United States in the 18th and 19th centuries. It was made illegal in 1937 by the Food and Drug Administration, but only years later during World War II, it was relegalized because of economic troubles. It makes more sense to be afraid of not having it.

Industrial hemp's roots are strong and very extensive, and have been shown to hinder and ultimately prevent erosion in such erosion-prone places as China where hemp, but not marijuana, is legal.

We are not for the legalization of marijuana; we are for the legalization of industrial hemp.

The government already knows the great benefits of legalizing industrial hemp. Our question is, what's the holdup?

Mr. PAUL. Because they do not really know the facts. There are a lot of differences between industrial hemp and marijuana, but because of the world hemp a lot of people have come to believe is a slang word for marijuana. They confuse the two and believe that they are the same thing.

Mr. FILLION. Industrial hemp is a biomass like many other plants, and by using a procedure called porolysis it can be diverted into something that can be used for fuel and into things such as crude oil or oils close to vegetable oil and petroleum.

ACHIEVING A DRUG-FREE AMERICA BY 2001

HON. NEWT GINGRICH

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. GINGRICH. Mr. Speaker, I want to encourage my colleagues to read the following article by Rev. Nelson Price, who chairs the Drug-Free District Coalition in the sixth district of Georgia. Rampant drug abuse reflects the breakdown of a society, and for this reason, I reiterate my challenge of achieving a drug-free America by 2001. This is not about a Federal program, an additional piece of legislation, or even more money. This is about the daily involvement of local communities, schools, churches, teachers, and, as Reverend Price stresses, parents, to assure that every person can pursue happiness in a drug-free America.

[From the Marietta Daily Journal, June 1, 1997]

PARENTS MUST LEAD DRUG WAR

(By Nelson Price)

We have a crisis.

There is an epidemic sweeping our nation more destructive than any in our history. Tragically most don't even know it.

We speak of the drug culture of the late 1960s and early '70s as bad, and it was. But at the present rate we will exceed those records for illicit drug use in our country. To complicate that, the drugs now being used are significantly stronger. Observe:

Almost one in 10 high school seniors (8.4 percent) uses drugs daily.

Nearly one in five twelfth graders (18.3 percent) uses an illicit drug weekly or more.

More than one in four (26.5 percent) use an illicit drug once a month or more.

Between 1987–88 and 1990–91 there was an increase of 72.6 percent in the annual use of illicit drugs.

Fewer students than ever say parents warn them. Schools are doing a much better job than parents in warning youth about illicit drugs. Some 88.9 percent said their teachers have taught them about drug dangers.

Among the youth who say their parents never talk with them about illicit drugs, 35.5. percent reported using an illicit drug in the past year. That number dropped to 26.6 percent for those whose parents spoke about it "a lot."

Schools are least likely places for drug abuse.

Sure, the evidence of drug use shows up there, but use that isn't the favorite place. Among five choices (home, friend's home, car, school, other place), students reported school as the least likely place. Only 4.2 percent said they smoked marijuana at school. Most reported they used illicit drugs when their parents were in charge. In most instances, it is without the parents' awareness. That in itself indicates the parents aren't in touch with who their child really is.

This is not casual recreational use. Students are getting higher than before on marijuana, cocaine, heroin, LSD and amphetamines. This is not experimental. It is monthly, weekly and daily use. Additionally, students are getting higher than ever on beer, inhalants, hallucinogens and uppers.

Only a parents' war on drugs can stem the tide. Some 73.3 percent of twelfth graders say drugs are easy to get. Building personal character and individual well-being is the way to equip a person to abstain.

Parents, use every resource at our disposal. There is a reason youth use drugs. A primary one is they are spiritually deprived by the media and their world in general. Parents, there are churches who will open their doors and hearts to you today.

The Rev. Nelson Price is pastor of Roswell Street Baptist Church.

HONORING DR. EVERETT SLAVENS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SKELTON. Mr. Speaker, after nearly 40 years of teaching with integrity and commitment, Dr. Everett Slavens, a former Missourian, now of Arkadelphia, AR, has announced his retirement.

Slavens, who has been blind since birth, has taught in the History Department at Ouachita Baptist University for 36 years. Student workers have assisted Slavens by taking attendance and proctoring during quizzes. In the office, student workers record readings of all papers and tests for Slavens to listen to and grade at his own convenience.

Aside from teaching, Slavens is a scholar of black culture studies. While attending the University of Missouri, at Columbia, he focused his doctoral dissertation on the black press. He is the author of numerous articles and book reviews related to African-American newspapers.

Slavens is an active member of First Presbyterian Church, where he serves on an AIDS care team. After retirement, he plans to write a book and take more time for writing and researching.

It is the dedicated individuals, like Dr. Slavens, who are providing the basis for our future—the education of America's youth. I join with many others in wishing Dr. Everett Slavens all the best in his retirement and in thanking him for his years of service.

LEGACY OF THE MARSHALL PLAN—REMARKS OF SECRETARY OF STATE MADELEINE K. ALBRIGHT AT THE GEORGE C. MARSHALL FOUNDATION DINNER CELEBRATING THE 50TH ANNIVERSARY OF THE MARSHALL PLAN

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. LANTOS. Mr. Speaker, this past week the United States and the countries of Western Europe celebrated the 50th anniversary of the June 5, 1947, Commencement Address at Harvard University by then Secretary of State George C. Marshall in which the idea of the Marshall plan was first publicly discussed.

Just a few days ago here in Washington on June 5—the anniversary of former Secretary of State Marshall's address at Harvard—our current outstanding Secretary of State, Madeleine K. Albright, delivered excellent remarks at the dinner of the George C. Marshall Foundation celebrating the 50th anniversary of the Marshall plan.

Mr. Speaker, I ask that Secretary Albright's remarks be placed in the RECORD and I urge my colleagues to give her statement serious and thoughtful attention.

President Ford, thank you for that wonderful introduction. Excellencies, distinguished colleagues and guests, in the last few years, we seem to have observed the 50th anniversary of everything. Today, we have been brought together by a foundation dedicated to the memory of a man who made everything possible.

As much as anyone else, it was George Marshall who engineered our victory in the Second World War and who helped us prevent a third.

The United States entered World War II because we had to, because our immediate survival was at stake. The same cannot be said about the Marshall Plan.

In 1947, the American people were weary of war and wary of new commitments. They wanted nothing more than to come home, stay home and make the baby boom boom. It was not self evident that our nation would come together to support the act of unparalleled generosity which was the Marshall Plan. But we did. And we did it in a way that was uniquely inclusive in design, uniquely expansive in scope, and uniquely American in spirit.

We used Marshall aid to encourage the creation of a united Europe, which was an amazingly ambitious goal just a few years after the most terrible war in European history. We offered Marshall aid to the Soviet Union and Eastern Europe, though the Iron Curtain had already begun to descend. Our vision specifically embraced our former adversaries, even though this was hard for many people to accept.

Soon, we would launch the Berlin airlift, though the experts said it was not possible to feed a whole city by air. We would pledge to defend Greece and Turkey, though many said that these nations were too distant and remote to be a part of our community.

Today people ask: How can we best live up to the spirit of the Marshall Plan? The answer is that we must do what is right, even though it is hard. That is the spirit in which our soldiers and diplomats are working in Bosnia. That is the spirit in which we are enlarging NATO, forging new ties with all of Europe's new democracies, and building a new partnership with Russia.

Each of these commitments entails risks and costs. But that just reminds me of something Senator Arthur Vandenberg said during a debate on the Marshall Plan 49 years ago. I quote, "The greatest nation on earth," he said, "either justifies or surrenders its leadership. I have no quarrel with those who disagree because we are dealing with imponderables." He said, "But I cannot say to those who disagree that they have escaped to safety by rejecting or subverting this plan. They have simply fled to other risks, and I fear far greater ones. For myself," Senator Vandenberg said, "I can only say that I prefer my choice of responsibilities."

In the letter that President Clinton asked me to deliver to all of you today, he writes that "our generation has been blessed with the chance to complete the great endeavor that Marshall's generation began—to build a democratic, peaceful, undivided Europe for the first in history." He reminds us that the Marshall Plan's success is evident not just in the recovery of Western Europe's economies, but in the process of European integration that it sparked; the reconciliation between old adversaries that it enabled; and America's lasting engagement in Europe, which it sealed. "No one better understands," the President continues, "all those transatlantic strands than your honoree tonight, my friend Helmut Kohl."

At the beginning of this miraculous decade of coming together, Chancellor Kohl engineered the unification of Germany within the NATO Alliance and the European Union. This was not an easy thing to do. It was an act of faith, requiring great sacrifice. But it was right. And today we look back upon it as the founding act of a Europe that is becoming whole and free.

Chancellor Kohl was a child of the Europe that the Marshall Plan rebuilt and transformed. All his life, he has been a champion of the kind of Europe that Marshall's generation envisioned—a Europe where borders unite rather than divide.

Chancellor Kohl, we thank you for your many years of statesmanship, and we salute you for your leadership in the present. It is my great privilege to introduce you to this audience today. *(Applause.)*

IN MEMORY OF OMER EISSA

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. GILMAN. Mr. Speaker, on Tuesday, May 20th, the United States lost a good friend when Omer Eissa, the former Ambassador of Sudan died tragically in an auto accident while visiting his home country.

Ambassador Eissa served with great distinction as Ambassador to the United States when Gaafar Mohammed Numeiry was the President of Sudan, and many Members of Congress came to know him well.

Ambassador Eissa had a long and distinguished career of public service in Sudan, serving as a member of the Sudanese Parliament, where he was chairman of the Committee on Housing and Education, before being appointed to the cabinet of President Numeiry.

He subsequently was appointed Ambassador to the United States, serving concurrently as nonresident Ambassador to Canada and Mexico. During his tenure he also served as dean of the Council of Arab Ambassadors and as dean of the Council of African Ambassadors.

Following the coup that removed President Numeiry from office in 1985, Ambassador Eissa made his home near Washington and became an American citizen. On behalf of my colleagues, I extend heartfelt condolences to his wife and children, who can be justifiably proud of his many accomplishments.

A TRIBUTE TO THE SUFFOLK CHAPTER, ASSOCIATION FOR THE HELP OF RETARDED CHILDREN

HON. MICHAEL P. FORBES

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. FORBES. Mr. Speaker, I rise today to pay tribute to an organization that provides services to over 1,300 individuals in Suffolk County, Long Island, with the vital mission of educating disabled children. The largest voluntary agency in Suffolk County, the Association for the Help of Retarded Children provides training and habilitative services at 24 locations across the county, and is distinguished by the selflessness, hard work, and dedication of its workers.

The staff at AHRC have for many years worked to provide their communities with a protective and educational environment that these children deserve. At the organization's Sagtikos Educare Center in Commack, infants, preschoolers, and school age children receive individualized attention. Their development is fostered when local school districts are not able to help them. This school is an exceptional place, where disabled students discover new opportunities. The care of any child is a full-time job, but a child with special needs leaves a parent little time to pursue his or her own efforts. It is a blessing to the parents of these children, who have strived to build a better life for their sons and daughters, that the AHRC is here to assist them.

The AHRC does not teach children to accept their conditions, but it fosters their self-esteem, teaches them living skills, and strengthens them both physically and emotionally. The programs help these children to grow

to the point that the need for a lifetime of costly special services is greatly reduced. Furthermore, the AHRC, through its valiant and ongoing efforts, has helped to build community awareness about the abilities of these special young Long Islanders. The AHRC's vocational program has successfully placed its adults into packaging and assembling jobs, where they have joined the proud Long Island work force, gained a large degree of independence, and learned the skills which lead to competitive employment opportunities. Furthermore, the Long Island community has welcomed 16 AHRC-operated residences into its neighborhoods, where disabled adults work together as a family, and participate in the community with their neighbors. Indeed, it brings a great degree of normalcy, independence, and acceptance to their lives.

On June 9, 1997, a fundraiser is being held which recognizes the AHRC's efforts on behalf of our Long Island families, friends, and neighbors. Long Islanders will open their hearts to give back to the organization that has done so much for our community. After all, when one of these very special persons receives the educational or vocational training they need to become a successful and happy member of our community, we all benefit from their presence. I would ask my colleagues in the U.S. House of Representatives to join me in saluting the work of this great organization.

STATEMENTS BY DANIELLE DUPUIS AND PHILIP BIDWELL, ESSEX TECHNICAL CENTER, REGARDING DRUG USE BY TEENAGERS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 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 Essex Technical Center in Vermont, who were speaking at my recent town meeting on issues facing young people.

Ms. DUPUIS. My name is Danielle Dupuis and I live in Colchester. This is Philip Bidwell, he lives in Underhill but attends Essex Technical Center. Rebecca Johnson and Troy Hibbard cannot be here with us today.

We did a survey on teenage drug use in our school and we found that 50 percent of the students in our school use drugs, we found that 21 percent of them use them on a daily basis. The top two drugs in high school were marijuana and alcohol, and they are both used by 50 percent of the students.

We feel that teenage drug use in this country is a rising problem. Everyday in and out of school students are using substances whether they are legal or illegal. We feel that a required high school level drug education class would be a way to solve this problem.

Mr. BIDWELL. Basically we think that it is more and more of a problem everyday in the school systems and we think that in order to resolve this we should have a class that is required in the school system for drug education because it is not that the fifth grade students have a class where they are introduced to drugs and what the effects are and stuff, but as teenagers these get more and more into peer pressure and they need to be brought up against anything that can happen. it is not just a fact of people doing them but people are dying from them.

Ms. DUPUIS. We found that 25 percent of the students that use drugs use them in school.

Mr. BIDWELL. I think that students, if you go up and talk to somebody like a student, that is just not normal to anybody else, but if they are going to somebody the same age just like them they are more open about it.

Ms. DUPUIS. They feel more comfortable. Other drugs were used, but marijuana and alcohol were the main concerns. We surveyed marijuana, cocaine, speed, acid, alcohol, mushrooms, hashish and we then had another category and those were all low, they ran about five or six percent, in that area. There is such a big campaign against drugs but yet there are so many students that are using drugs, you want to know what is the big deal, what is it like? I will try it once. And they try it once and that is it, you are addicted for life. I think a lot of it has to do with just being cool, too.

WOMEN IN THE MILITARY

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. HAMILTON. Mr. Speaker, I would like to insert my Washington Report for Wednesday, June 11, 1997, into the CONGRESSIONAL RECORD.

WOMEN IN THE MILITARY

The case involving Air Force First Lt. Kelly Flinn has refocused national attention on the role of women in the American military. Women have become an integral part of our fighting force over the last 20 years. The percentage of women in the military has increased from less than 2% in the early 1970s to over 13% today. Women today serve in a wide range of occupations in the services, and have participated with distinction in every major military action, including the Persian Gulf War.

There are two main reasons for the increasing role of women in the military. First, our armed forces need women. Our national security would be diminished by excluding half of the talent and courage from the defense of the country. Prior to 1973 the military could rely on the draft of young men to fill positions in the services. But after the draft was abolished in the wake of the Vietnam War, the services have had to recruit women to meet personnel needs. Second, our society has insisted on greater opportunities for women in the workforce, including the military.

The U.S. military has, for the most part, succeeded in integrating women into the armed forces. The U.S. is the pre-eminent military power in the world today, and its fighting force remains the best-trained, best-equipped and most effective. There have, however, been challenges. The first set of challenges centers on the role of women in the military. Women have traditionally filled clerical, support and medical positions in the services, but there has been a push for women to assume new roles, including combat positions. The second set of challenges relates to sexual conduct among service members. The military has strict rules on sexual misconduct, but has arguably enforced those rules inconsistently.

WOMEN IN COMBAT

Current law gives the Secretary of Defense and the service secretaries discretion over whether women may serve in combat positions and over which assignments may be opened to women. In 1994 the Defense Department opened more than 80,000 combat-related jobs to women. Consequently, more than 92% of the career fields and 80% of the total jobs are now open to women. The Defense Department, nonetheless, continues to restrict certain combat assignments for women, particularly service in ground forces where the risk of direct physical contact with the enemy is high. The Air Force has opened relatively more combat positions to women than have the other services.

There continues to be debate about whether the services should open more combat positions to women or restore pre-existing law which barred them from serving in many such jobs. Those who support opening more positions to women argue that women service members cannot advance to the top positions in the military without combat experience, and make the further point that women who have the ability and desire should be given the opportunity to serve in such positions. In contrast, those who oppose women in combat contend that national security has been and would be jeopardized because women are not as strong or aggressive as men and their presence would impair the effectiveness of the fighting force.

SEXUAL MISCONDUCT

The sexual misconduct cases which have been in the news in recent months have fallen into two general categories. The first group involves cases of sexual harassment and abuse. The most serious scandal has occurred at Aberdeen Proving Ground in Maryland, where 12 drill sergeants have been charged with harassing or abusing female trainees. The services have adopted a policy of "zero tolerance" toward harassment, and have prosecuted the Aberdeen and other cases with vigor. Some in Congress are calling for segregating women and men during basic training to reduce the risk of misconduct, while others say such a change would mark a step backward.

The second group involves cases of adultery and fraternization, which generally refers to relations between officers and enlisted personnel. Adultery and fraternization can be crimes in the military, although a commanding officer has broad discretion in handling such cases. Disciplinary actions range from administrative remedies, such as counseling, to court-martials involving possible fines, demotions, and sentences. Several senior officers where charged with both in recent weeks, as was Kelly Flinn, who was also charged with lying and disobeying orders. The Pentagon says that such conduct erodes discipline and order. Critics contend current policy is too harsh, intrudes greatly into the private lives of service members, and is inconsistently applied.

ASSESSMENT

The military, like the civilian workforce, is adjusting to the large influx of women into its ranks. In many respects, the Pentagon has handled effectively this transition to a mixed-sex force. The U.S. fighting force, as demonstrated in the Persian Gulf War, continues to be the best in the world, and, overall, the military has adapted well to a changing society.

The military, however, continues to face difficult questions on the role of women in

the armed forces. I believe women deserve the opportunity to serve in certain combat positions if they meet service requirements and qualifications for those assignments and if doing so is in the best interest of national security. I do think, however, that these changes should occur incrementally and with extensive consultation with military leaders.

The cases of sexual misconduct raise difficult questions. It is, of course, appropriate for the services to prosecute vigorously cases of rape and harassment, and take every step to keep our recruits safe. The rules on adultery and fraternization are problematic. The military is a highly structured institution, lacking many of the freedoms of the civilian world, and requiring unusual intimacy from close bunks to showers and a strong emphasis on discipline and morale. My impression, however, is that the rules have been arbitrarily applied and that some individuals are punished for behaving in ways others get away with. The military's purpose in dealing with these relationships must be to ensure the good discipline and morale of its troops, not to try to enforce morality. What is most important is that the rules be clearly explained, consistently enforced, and applicable to all, regardless of sex, race or rank.

SPECIAL PEOPLE PROGRAM OF IBPOE OF W

HON. LYNN N. RIVERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Ms. RIVERS. Mr. Speaker, for the record, I would like to recognize the Special People Program of the Improved Benevolent Protective Order of the Elks of the World [IBPOE of W]. For the past 10 years, this program has recognized young persons with physical or mental challenges at the Annual Convention of the Elks Fraternity. This extraordinary program, fueled by the hard work of the IBPOE of W, recognizes the individual abilities and contributions of community citizens with special needs.

The Special People Program selects one youth as the annual Poster Child. Each year financial benefits, raised from donations and raffles, are given to this child and his family. In addition, the program continues its commitment to past Poster Children through annual donations.

This year's Poster Child is Marquise Taylor of Lexington, KY. Fifteen-month-old Marquise was born with a severe congenital heart defect as well as Down's Syndrome. In this particular type of heart defect, the separation between his cardiac chambers were not fully developed, resulting in unstable blood flow. Marquise underwent surgery at the age of 5 months to correct this defect and his prognosis is excellent. Yet Marquise still lives with Down's Syndrome, an incurable condition that will continue to challenge him as he grows.

I would like to congratulate the IBPOE of W for their outstanding community service and dedication to supporting citizens with special needs. I wish Marquise and his parents, Carlos and Roxie Taylor, all the best for the future.

SMALL BUSINESS: THE BACKBONE OF OUR ECONOMY

HON. JAMES A. BARCIA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. BARCIA. Mr. Speaker, this country's economy is fueled by a diverse and broad group of smaller companies whose strengths lie in their innovation and flexibility. It is these companies that were recently honored at the 1997 Small Business Person of the Year Award in Washington, DC.

I would like to honor the sole Michigan recipient of this award, Wright-K Technology, Inc., of Saginaw, whose management team of CEO Robert Floeter, President John Sivey and Secretary-Treasurer Constance Kostrzewa was nominated for this distinction by Saginaw Future, Inc. Criteria for nomination and selection included sales and employment growth, staying power, local community commitment, innovativeness of product, and response to adversity.

One of the secrets of Wright-K's success is their strong belief that every single employee of the company is crucial to its ultimate productivity and strength. They value their employees, which comes through in company policy and the simple way they treat everyone who works at Wright-K. I believe that this attitude of respect comes back tenfold to the company since everyone feels that when the company rises, all boats within the company also rise.

The growth of Wright-K Technology has exploded in the past 4 years, evidenced by over a doubling of employees from 146 to nearly 350 today. This manufacturing company designs, builds, and rebuilds special assembly, test, metal removal, laser, and welding equipment. In fact, its superior performance has placed it among the 100 fastest growing firms in Michigan, moving up to No. 55 after debuting at No. 86 in 1996.

Wright-K's management team also gives back to the community many times over by volunteering their time and resources to support important initiatives like school-to-work programs, hospital and church programs, the Boy Scouts, and chambers of commerce. It is through these types of involvement that a company's dedication and staying power in the community is truly characterized.

I am enormously pleased to commend Wright-K Technology, Inc., and to highlight the accomplishments of this firm and its employees both from an economic and a philanthropic standpoint. I believe that this company serves as a model for aspiring small businesses nationwide and globally, and I look forward to witnessing continued years of growth and success.

SULLIVAN LEADS BY DOING

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. FRANK of Massachusetts. Mr. Speaker, we hear a lot from from time to time about burnout—about people whose constitutions are too delicate to allow them to continue with hard work. Unfortunately, that is a condition which often affects those who have taken on a commitment to serve others, especially recently, when the Nation has, sadly, cut back on the resources it makes available to people who seek to alleviate poverty and injustice.

I hope, Mr. Speaker, that the next time someone committed to this fight starts to feel sorry for himself or herself and contemplates easier work, they will read the following editorial and take some inspiration from the example of Mark A. Sullivan.

As this editorial in the Fall River Herald News explains, Mark Sullivan has been the chief executive—and chief strategist, motivator, and philosopher—of Citizens for Citizens in Fall River, MA, an effective community action agency.

I was fortunate enough to meet Mark Sullivan 15 years ago when the Massachusetts congressional district lines were changed and I found Fall River and myself in the same congressional district. Throughout the ensuing period, Mark Sullivan has been one of the strongest sources of advice, encouragement, and inspiration to me.

The Fall River Herald News editorial aptly describes the respect in which he is so justifiably held by those who work for him and, perhaps most interestingly, against him. Mr. Speaker I have always felt lucky to hold this job, and one of the examples I give when people ask me to explain why I feel that way is that I have had the chance to know, befriend, learn from, and work with Mark Sullivan.

SULLIVAN LEADS BY DOING

The row of crock pots lined up along the buffet table at Mark A. Sullivan's silver anniversary celebration just about said it all.

The decidedly casual affair, held at Citizens for Citizens headquarters on Griffin Street, was organized as a surprise to the man who has served as its executive director for the past 25 years.

Clearly, Sullivan's employees know him well. Home-cooked chourico and peppers is more his style than filet mignon and Delmonico potatoes. And that unpretentiousness is the source of both Sullivan's charm and success.

The son of a bus driver/union president and community activist in his own right, Sullivan learned to accept people from all walks of life at a tender age. Sullivan credits both his mother and father with teaching him—by example—to treat all people equally.

That's a quality Sullivan has carried into his work at the community action agency, where he put his own unique and refreshing spin on it.

Renowned—at least in *The Herald News* newsroom—for knowing how to turn a phrase, Sullivan is seldom without an opinion on issues that effect his constituency.

"That designation qualifies us for a grant of $256,000 to eliminate poverty in southeastern Massachusetts," Sullivan once said, explaining the Fall River City Council's endorsement of the agency. "And that's enough to buy everybody a hamburger and send them home."

Indeed, Sullivan has demonstrated a gift for glibness, but also for putting a human face on dry statistics with irreverent, nononsense—sometimes bordering on offensive—explanations.

The sideburns that dipped an inch or two below his earlobes have long since been

trimmed and the thickly pin-striped suit probably placed in mothballs since Sullivan began as CFC director in 1972, but his passion about his job remains undiminished.

Even though Sullivan expresses disdain for what was once known as the war on poverty, pointing to the absurdity of its existence in the greatest economic nation in the history in the world, he has been one of its finest warriors

The secret to his success, Sullivan says with characteristic modesty, is his talent for hiring good people. "I've hired people of good character and intelligence," he said. None of them, we suspect, doubt where the ultimate authority lies, however. A sign on Sullivan's wall in a 1985 photograph reading, "Never mind the dog—beware of the owner," sums up his philosophy on those who cross him.

His shirt sleeves ever rolled up, Sullivan has well earned his reputation as a hands-on administrator. Having never hesitated to admit his own foibles, Sullivan's empathy for those he serves no doubt comes from having experience in life's valleys himself.

Citizens for Citizens is an apt name for an agency of people helping people. And no one seems better suited to leading the organization than the unassuming Sullivan.

A TRIBUTE TO DR. FRANCISCO F. AND GERALDINE LEVINSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. VISCLOSKY. Mr. Speaker, it gives me great pleasure to rise today to congratulate Dr. Francisco F. and Geraldine Levinson on their receipt of the 1997 Merrillville Exchange Club's Book of Golden Deeds Award. Dr. and Mrs. Levinson will receive this award at a luncheon held at the Radisson Hotel at Star Plaza in Merrillville, IN, tomorrow, June 12, 1997. The Levinsons will be joined by friends and family on this special occasion.

The Exchange Club, a national organization devoted to a variety of initiatives involving the Nation's youth, the well-being of its communities, and responsibility of its citizens, bestows the Book of Golden Deeds Award upon individuals who have accepted leadership roles in bettering the communities and/or world in which they live. The Levinsons have been awarded the Book of Golden Deeds Award, the most distinguished award the service club can bestow, for their many contributions to the communities of Gary and Merrillville.

The Levinsons have positively impacted these communities by contributing their time and energy in the areas of health, community organizations, and sports. Dr. Levinson served on the Gary Board of Health for 25 years, and the Indiana State Board of Health for 20 years. Among his many accomplishments while with these organizations was his instrumental role in bringing water fluoridation to the area's filtration system. Dr. and Mrs. Levinson were also essential in the erection of the main building for the Lake County Association for Retarded Children.

In addition, Dr. and Mrs. Levinson have devoted their efforts to numerous volunteer organizations. Dr. Levinson served 5 years of active duty in the U.S. Army, followed by 29 years in the Active Reserves, from which he retired as a lieutenant colonel. He was also an active member of the Gary Exchange Club where he instituted the Toothbrush fund raiser, which successfully raised money for the organization by selling toothbrushes to large corporations. Dr. Levinson has also maintained leadership positions in numerous professional, civic, and community service organizations. Over the years, he has served as president of the Gary Dental Association, the Northwest Indiana Dental Association, the Indiana State Dental Association, Jewish War Veterans, and B'nai B'rith. He has also served on the board of directors for the YMCA, Jewish Welfare Federation, and Consumer Credit Counseling of Northwest Indiana.

Mrs. Levinson has been active in many community organizations, as well, including the Methodist Hospital Auxiliary, the Job Corps Agency, Israel Bond Drive, Jewish Federation, Temple Beth-El, and Temple Israel. She was also a soloist for the Macedonian Choir, and has served on the auxiliary of the Northwest Indiana Dental Society.

The Levinsons have also devoted much time to promoting sports within the community. Over the past 10 years, the Levinsons have been positive influences on the members of the Merrillville High School tennis team, during which Dr. Levinson has acted as a volunteer assistant coach. Creating organizations for community sporting activities has also been a priority for the Levinsons. Some of their endeavors have included the highly successful Gary Junior Tennis Association and the Ross Township Tennis and Racquet Club. The Levinsons were also very active in Club Vida, a social, athletic, and recreational club, where Dr. Levinson was the financial manager of the Club Vida basketball team. In 1940, Dr. Levinson coached the basketball team all the way to the first game of a national championship at Denver, CO.

Other awards Dr. Levinson has received include the Sagamore of the Wabash Award, presented by former Indiana Governor, Robert Orr, and the Lugar Fitness Award, presented by U.S. Senator, the Honorable RICHARD LUGAR. The Sagamore of the Wabash Award is the most prestigious award granted by the Governor of Indiana.

Mr. Speaker, I ask you and my other distinguished colleagues to join me in commending Dr. Francisco F. and Geraldine Levinson on their receipt of the 1997 Merrillville Exchange Club's Book of Golden Deeds Award. Their children, Eileen Samuelson and Don Levinson, five grandchildren, and three great-grandchildren, can be proud of the hard work and dedication the Levinsons have displayed while working to improve the quality of life for the residents of Indiana's First Congressional District.

TRIBUTE TO FRANK LEE

HON. ANNA G. ESHOO

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Ms. ESHOO. Mr. Speaker, I rise today to honor Frank Lee of San Mateo, CA, who passed away on June 7, 1997, and who will be buried in Golden Gate National Cemetery. He will be fondly remembered for his lifelong dedication to marine engineering, significantly improving harbor facilities in the San Francisco Bay area, and providing leadership in the Asian-American community.

Frank Lee gave much of himself to our region and touched people's lives both at home and abroad. He served his country in the South Pacific during World War II as a merchant marine and spent 35 successful years as a marine engineer and naval architect. During his career, he completed the $467 million retrofit of the battleship *New Jersey* and led over 50 design modifications of various U.S. Navy and commercial ships.

Frank Lee served for 28 years on the board of directors of the San Mateo County Harbor District. He was president of the board for six terms, and, in 1994, he was named president emeritus of the board, a position created just for him. Frank Lee has left an indelible mark on our county harbors. He transformed the Pillar Point Harbor into a premier commercial and recreation harbor with 369 berths and then did the same with Oyster Point Harbor.

Frank Lee also found time to provide leadership in the Asian-American community. He was a founder of the Peninsula Association for Chinese Americans, an advisor to the Organization of Chinese Americans, a member of the Asian American Manufacturers Association, and a president of People to People International, an organization promoting world peace. Frank Lee always encouraged other Asian-Americans to become active in the community and gained the respect and admiration of everyone who worked with him. Above all, Frank Lee was devoted to his beautiful family.

Mr. Speaker, Frank Lee will be greatly missed by all whose lives he touched. I ask my colleagues to join me in honoring Frank Lee and his lifetime of contributions to the bay area community.

TRIBUTE TO OFFICER THOMAS FAHEY

HON. THOMAS J. MANTON

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MANTON. Mr. Speaker, I rise today to recognize and honor the outstanding bravery of Police Officer Thomas Fahey, an exemplary New Yorker and 14-year member of the New York Police Department [NYPD] who is currently battling a life-threatening disease.

Officer Fahey has been diagnosed with third-stage cancer with only a 20 percent chance of survival. A team of physicians has already prepared for an experimental procedure whereby Officer Fahey must undergo an exceedingly large amount of blood transfusions of up to 300 pints of extremely rare type O-negative blood.

On Monday, April 21, concerned individuals from throughout the New York metropolitan region arrived in droves at the Flushing Armory in Flushing, Queens, and subsequently donated over 1,000 pints of blood for Officer Fahey. Representatives of the American Red

Cross indicated that this tremendous outpouring of support for Officer Fahey culminated in the largest single-day blood drive in the history of New York State.

For the past decade, Officer Fahey has dutifully served as the NYPD youth officer for the 110th Precinct in Elmhurst, Queens in the Seventh Congressional District. Numerous educational and athletic programs for countless youths within the precinct were successfully implemented on his watch. His dedication to serve his community and fellow citizens illustrates his commitment to helping others.

Indeed, Officer Fahey's distinguished record of community service has not been limited to the city of New York. In addition to the field of law enforcement, Thomas Fahey also earned a solid reputation while serving in the U.S. Navy and U.S. Naval Reserves. Foremost among Officer Fahey's stints of heroic actions made on behalf of our Nation was his active participation in both the Persian Gulf war and the TWA Flight 800 rescue operation.

His professional achievements aside, Officer Fahey is a dedicated family man who has always been there for Debbie, his wife of 17 years, and their three children, Christina, 14, Marissa, 9, and Tammy, 7.

Mr. Speaker, I know my colleagues join me in recognizing Police Officer Thomas Fahey, along with his family, friends, and fellow officers, on the occasion of today's NYPD "10-13" Benefit that has been organized in his behalf. And, I genuinely hope that this event will go a long way in defraying Officer Fahey's excessive medical costs as well as heightening our awareness of an affliction that he and others are forced to confront on a daily basis.

Mr. Speaker, as a former New York City police officer, I am proud to bring Officer Fahey's accomplishments and ordeals to the attention of my colleagues. My best wishes go out to him and his family.

CLARIFICATION BY FATHER DRINAN

HON. MARTIN T. MEEHAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MEEHAN. Mr. Speaker, it has come to my attention that Jesuit Father and Georgetown University Law Center Prof. Robert F. Drinan has withdrawn statements he made in a New York Times article of June 4, 1996, on legislation to ban so-called partial-birth abortion. At the request of the Most Reverend John R. McNamara, regional bishop for Massachusetts' Merrimack region, I am submitting for the RECORD the text of Father Drinan's statement of May 12, 1997, clarifying his position on abortion.

Articles that I wrote in the New York Times on June 4, 1996, and in the National Catholic Reporter on May 31, 1996, were used in ways I did not intend. I withdraw those statements and any statement that could be understood to cast doubt on the Church's firm condemnation of abortion—a doctrine that I totally support.

Moreover, new information about the true nature and widespread use of partial-birth abortion renders my statements on that issue in 1996 factually incorrect.

I do not believe the every moral evil should be outlawed. I do, however, see abortion—particularly partial-birth abortion—as a grave evil and can understand why Church leaders are urging lawmakers to ban it. I do not want anything to impede that effort. On the contrary, I join in that effort and stand ready to promote laws and public policies that aim to protect vulnerable human life from conception until natural death. I support the Catholic bishops in their efforts to exercise moral leadership in the fight against abortion.

TRIBUTE TO TWO GIRL SCOUT GOLD AWARD RECIPIENTS

HON. BERNARD SANDERS

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. SANDERS. Mr. Speaker, today I would like to salute two outstanding young women who are being presented with the Girl Scout Gold Award by the Vermont Girl Scout Council. They are Lori Brown of Rutland, VT and Kathleen Lomedico of Colchester, VT. They were honored on May 29, 1997 for earning the highest achievement award in U.S. Girl Scouting.

The Girl Scout Gold Award symbolizes outstanding accomplishments in the areas of leadership, community service, career planning and personal development. The award can be earned by girls aged 14 to 17, or in grades 9 to 12. To receive the award, these Girl Scouts first earned four interest project patches, the Career Exploration Pin, the Senior Girl Scout Leadership Award and the Senior Girl Scout Challenge as well as designing and implementing a Girl Scout Gold Award project to meet a special need in their communities.

As a member of the Vermont Girl Scout Council, Lori Brown first earned badges in child care, reading, music, games, well being, and understanding yourself and others. She then used these skills to design and implement a series of Lenten workshops for the young children in her parish church. Kathleen Lomedico earned badges in artistic crafts and career exploration among others. After learning leadership skills through Girl Scouting, she served as the editor of her high school yearbook. As her Girl Scout Gold Award project she spent the past year organizing and leading a youth group for teens which meets every other week and a youth band which plays every Sunday night for her parish church. Ms. Lomedico wanted the young people in her parish to "feel a sense of home in the church." Both girls used skills they learned in Girl Scouting to help the church of their faith.

These two Senior Girl Scouts have earned my respect and admiration. I believe both girls should receive the public recognition due them for such significant services to their communities and their country.

TRIBUTE TO IYLENE WEISS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Ms. HARMAN. Mr. Speaker, a friend, former neighbor, and unique natural force died last month.

Iylene Weiss probably did more than any other individual to restore the largest wetland in Los Angeles County and its neighboring lagoon, known as Ballona.

At her funeral, Los Angeles City Councilwoman Ruth Galanter read a poem that she composed in two parts as Iylene's health failed. Ruth's poem is a special and deserved tribute and I ask unanimous consent to insert it in the RECORD at this point.

TRIBUTE TO IYLENE WEISS—BY COUNCILWOMAN RUTH GALANTER

We cannot let more time go by without acknowledging that Iylene Weiss has pulled a clever trick.

She made a plan and made it stick that no marina'd grace this shore; no docks, no paving, and, what's more, that birds and worms and clams and such and wetlands plants that you can touch, would fill this water and these banks.

For this, Iylene, we give you thanks; we toast the docents and the kids, we toast the herons and the squids, we raise our cups not once, but twice, to cheer the work of Iylene Weiss.

FAREWELL

Peace be with you now, Iylene; the plants are coming nice and green, and all the folks who cheered you on, in realizing you'd be gone, and also moved by love for you, are doing work you used to do.

At last they've grasped that central theme, that people working as a team, have more successes and more fun, than leaving all the work to one.

And so, Iylene, it's safe to go; it's safe to trust that those you know, will carry on from where you've been; so peace be with you now, Iylene.

CONGRATULATIONS TO VASILIOS PYROVOLIKOS

HON. ROBERT W. NEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. NEY. Mr. Speaker, I rise today to congratulate and recognize Vasilios Pyrovolikos for his service during World War II in helping to contribute to the success of the Allied forces.

Mr. Pyrovolikos, like many other civilians, supported members of the Allied forces in the Mediterranean Theatre during World War II. His support and service has been noted in a certificate awarded to him by H.R. Alexander, Field Marshal and Supreme Allied Commander in the Mediterranean Theatre—1930–45—for help given to the sailors, soldiers, and airmen of the British Commonwealth of Nations, enabling them to escape from or evade capture by the enemy.

Mr. Pyrovolikos has also been honored by Col. Harry S. Aldrich, U.S. Army, commanding, for his service with the United States

Army Forces in the Middle East under the supervision of maritime units of the Ministry of the Merchant Marine, Athens, Greece, for the period of June 1, 1944, to October 15, 1944, in appreciation for his contributions to the success of the Allied forces.

It is because of the dedication of people like Mr. Pyrovolikos that this country and our Allies, both then and now, enjoy the freedoms to which we are so accustomed. Mr. Speaker, it is my great honor to salute Mr. Pyrovolikos for his courageous and devoted actions in the name of freedom.

SLOVAKIA DESERVES NATO MEMBERSHIP

HON. JOHN L. MICA

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, June 11, 1997

Mr. MICA. Mr. Speaker, my colleagues, I believe in all fairness we should consider Slovakia with the other countries this body has determined to be eligible for NATO participation, both last year and this year.

The Slovak Republic has a democratically elected parliamentary government which has made marked political and economic progress. This country is a valuable participant in the Partnership for Peace and has contributed to peacekeeping operations in Bosnia and eastern Slavonia. The Slovak Republic is a peaceful, law-abiding country that has instituted judicial and free market reforms. When one takes the time to compare Slovakia's record of democratic and humanitarian achievements with those of other former Eastern Bloc countries, it is clear that Slovakia is equally deserving and meritorious of NATO membership.

My colleagues, I took the time to review Amnesty International's 1996 and 1997 reports and the U.S. State Department's Country Reports on Human Rights Practices for 1996 relating to human rights abuses. I examined Slovakia's record and also the record of some of the other nations which have been recommended for NATO membership, including the Czech Republic, Hungary, Lithuania, Poland, and Romania.

Slovakia had no recorded human rights abuses in these reports. The other countries had the following abuses documented.

CZECH REPUBLIC

Freedom of speech and press—so long as you don't talk bad about the Republic or the President.

Police abuses continue to be a problem.

In March 1995, a reporter was sentenced to 4 months imprisonment for calling the president "a traitor and a false prophet" in a newspaper article. (Amnesty)

In April 1995, prison officials beat to death a prisoner at Horni Slavkov prison. (Amnesty)

In June 1994, a Rom citizen was shot to death by police while being interrogated in detention at Horsovsky Tyn. (State Department)

Both the International Helsinki Federation and Human Rights Watch criticized the Government in 1996 and in 1997 for not curbing discrimination and skinhead violence against Romani citizens.

ROMANIA

The Ministry of Internal Affairs supervises the police—sporadic reports of human rights abuse by the police have continued.

At least 4 prisoners of conscience in 1995 and 1 in 1996. (Amnesty)

Many reports of torture and ill-treatment by police, resulting in 1 death in 1995 and 3 in 1996. (Amnesty)

In January 1996, Ion Axente was beaten by a police officer outside a bar in Piscu. After he fell to the ground, his face was sprayed with a paralyzing gas and he was kicked severely in the head. That night he went into a coma and he later died in June. (Amnesty)

In July 1995, the European Parliament passed a resolution calling on the Romanian Government to respect human rights and to end abuses by police and security forces.

Robert Radu was reportedly tortured during interrogation in Constanta in January 1995. Allegedly beaten with a club on the arms, legs, and head by a police officer and suffered a fractured shin. The officer reportedly threatened to kill him unless he said that he had injured himself falling down the stairs. (Amnesty)

In April 1995, Viorel Constantin was punched and kicked by police officers and civil guards outside a bar in Tandarei. Constanti suffered multiple bruising and scratches on the chest and the back, a cracked collar-bone and a ruptured ear drum. (Amnesty)

According to Human Rights Watch, Mircea-Muresul Mosor, a Rom from Comani, was shot and killed in May 1996 while in police custody in Valcele.

In July 1996, 3 Romani minors were held for 5 days on suspicion of theft of a watch and were all beaten, leaving severe bruises on the youths' arms and legs. (Both State Department and Amnesty)

Many other cases of deaths in custody or deaths reportedly due to police brutality have never been resolved.

Free speech is limited by prohibiting "defamation of the country."

In 1996, journalists Tana Ardeleanu and Sorin Rosca-Stanescu—convicted of "seditious libel" and sentenced to serve prison terms—printed an article that claimed former President Ion Iliescu had been recruited for KGB service while a student in Moscow. (State Department)

In 1996, Radu Mazare and Constantin Cumpana—published an article about an illegal contract in the city council—sentenced to 7 month prison terms (although President Iliescu pardoned them). (State Department)

HUNGARY

There continues to be credible reports of police abuses and use of excessive force against suspects.

In May 1996, Hamodi Ahmed was assaulted by police officers outside a Budapest restaurant. The officers pushed him against the wall, handcuffed his arms behind his back and beat him. Later at the 5th District Police Station, Ahmed was repeatedly kicked by 5 or 6 other officers. He later required hospital treatment.

Also in May 1996 and in Budapest, Istvan Nagy was taken to the 8th District Police Station, where he was hit in the face, beaten and kicked. He later required 3 days hospital treatment for a ruptured ear-drum and injuries to the chest and spleen. His crime: he criticized a police officer who had shouted at an old man for crossing a road too slowly. (Amnesty)

In Kunszentmiklos in April 1995, Farkas Geza was punched, kicked and beaten with a rubber truncheon in a police car and in the police station, and a doctor was called in to stop heavy bleeding from his injuries. (Amnesty)

In June 1995, Stefan Vasile Chis was arrested in Budapest and was made to stand against the wall with legs spread apart and was kicked from behind in the genitals 3 times. After falling to the ground he was then repeatedly kicked and beaten. Released the next morning, Chis was admitted to a hospital where he underwent a urological operation and was hospitalized for 10 days. (Amnesty)

In July 1995 Almasi Laszlo died as a result of a severe beating by police officers who were searching his home in Paszto. (Amnesty)

The Hungarian Helsinki Committee reported in 1995 that police misconduct "* * * takes place every day, although the public is only informed by chance, only in conspicuous cases. Guilty police officers are very rarely condemned, and the majority of the officers suspected of such crimes remain on duty." (State Department)

LITHUANIA

"The State Security Department is responsible for internal security and reports to Parliament and the President. The police committed a number of human rights abuses."

Local press reported that police brutality is becoming more common. In many instances, victims reportedly are reluctant to bring charges against police officers for fear of reprisals. (State Department)

Most years the Ministry of Interior refuses to publicize statistics on reported cases of police brutality and in fact has yet to establish an internal affairs group to address this problem.

"Human rights violations continue in the military." The chief resident of one of Vilnius's major hospitals stated that soldiers in the army are constantly being treated for injuries resulting from abuse. In the 1st 6 months of 1996, the same hospital treated 4 soldiers for broken jawbones. (State Department)

Journalists alleges that government officials apply pressure on them not to criticize governmental policies or acts.

POLAND

Restrictions on freedom of speech and press.

Polish Penal Code states that acts that "publicly insult, ridicule, and deride the Polish nation, the Polish Republic, its political system, or its principal organs are punishable by between 6 months and 8 years of imprisonment." (State Department)

The Code imposes a prison term of up to 10 years for a person who commits any of the prohibited acts through print or mass media.

Let me also include excerpts from the State Department's report on Slovakia's human rights record:

SOLVAK REPUBLIC

1996 STATE DEPARTMENT COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES

On human rights abuses:

"There were no confirmed reports of political or other extrajudicial killings by government officials."

"There were no reports of politically motivated disappearances."

The Slovak Constitution specifically prohibits torture and other cruel, inhuman or degrading treatment or punishment.

The Constitution specifically prohibits arbitrary arrest and detention, and the Government observes their prohibition.

On freedom of speech and press:

"The Constitution provides for freedom of speech and of the press, and the Government generally respects this right in practice."

The Constitution provides for freedom of peaceful assembly and association, and the Government respects them in practice.

On freedom of religion:

"The constitution provides for freedom of religious belief and faith, and the Government respects this provision in practice."

On democracy:

"Citizens have the constitutional right to change their government through the periodic free election of their national representatives."

"The law prohibits discrimination and provides for the equality of all citizens. Health care, education, retirement benefits, and other social services are provided regardless of race, sex, religion, disability, language, or social status."

"The Constitution provides minorities with the right to develop their own culture, receive information and education in their mother tongue, and participate in decision-making in matters affecting them."

On children's and labor rights:

"The Government demonstrates its commitment to children's rights and welfare through its system of public education and medical care."

"The Constitution provides for the right to form and join unions * * *. The law provides for collective bargaining, which is freely practiced throughout the country * * *. Both the Constitution and the Employment Act prohibit forced or compulsory labor."

While some have been critical of Slovakia's record in this area, a fair comparison with these other countries shows the Slovak Republic has a much better record than any of these candidates.

Finally, my colleagues, I strongly believe it would be in the United States' international interests to grant the Slovak Republic NATO membership. Slovakia is strategically and geographically located in Eastern Europe and occupies an area which may be vital to ensuring security for our fellow NATO allies against future aggression.

It is my hope that we will move in the near future to make the Slovak Republic eligible for NATO participation and permit this country to join the league of nations which stand together in mutual defense and international security.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, June 12, 1997, may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

JUNE 13

9:30 a.m.
Judiciary
To hold hearings on the nomination of Eric H. Holder Jr., of the District of Columbia, to be Deputy Attorney General, Department of Justice.
SD–226

JUNE 16

10:00 a.m.
Judiciary
To hold hearings to examine State-sanctioned discrimination issues in America.
SD–226

2:00 p.m.
Special on Aging
To hold hearings to examine the problem of pension miscalculations, focusing on methods for educating people on the steps they can take to protect themselves and their pension benefits.
SD–628

JUNE 17

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider recommendations which it will make to the Committee on the Budget with respect to spending reductions and revenue increases to meet reconciliation expenditures as imposed by H. Con. Res. 84, establishing the congressional budget for the United States Government for the fiscal year 1998 and setting forth appropriate budgetary levels for fiscal years 1999, 2000, 2001, and 2002.
SR–253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings to examine human cloning ethics and theology issues.
SD–430

10:00 a.m.
Judiciary
To hold hearings on baseball antitrust reform issues.
SD–226

Joint Economic
To hold hearings on high-tech transfers and economic espionage.
SD–138

JUNE 18

9:00 a.m.
Agriculture, Nutrition, and Forestry
To hold hearings on United States farms exports.
SR–332

9:30 a.m.
Labor and Human Resources
Business meeting, to resume markup of S. 830, to improve the regulation of food, drugs, devices, and biological products.
SD–430

10:30 a.m.
Indian Affairs
To hold joint hearings with the House Committee on Resources on S. 569 and H.R. 1082, bills to amend the Indian Child Welfare Act of 1978.
SD–106

2:00 p.m.
Energy and Natural Resources
Forests and Public Land Management Subcommittee
To hold hearings on S. 587, to provide for an exchange of lands located in Hinsdale County, Colorado, S. 588, to provide for the expansion of the Eagles Nest Wilderness within the Arapaho National Forest and the White River National Forest in Colorado, S. 589, to provide for a boundary adjustment and land conveyance involving the Raggeds Wilderness, White River National Forest in Colorado, S. 590, to provide for a land exchange within the Routt National Forest in Colorado, S. 591, to transfer the Dillon Ranger District in the Arapaho National Forest to the White River National Forest in Colorado, S. 541, to provide for an exchange of lands with the city of Greely, Colorado, S. 750, to consolidate certain mineral interests in the National Grasslands in Billings County, North Dakota, and S. 785, to convey certain land to the city of Grants Pass, Oregon.
SD–366

JUNE 19

9:30 a.m.
Commerce, Science, and Transportation
Business meeting, to consider pending calendar business.
SR–253

Labor and Human Resources
Public Health and Safety Subcommittee
To hold hearings on emergency medical services for children.
SD–430

2:00 p.m.
Energy and Natural Resources
National Parks, Historic Preservation, and Recreation Subcommittee
To hold hearings on entrance and special use fees for units of the National Park System and the status of the Fee Demonstration Program implemented by the National Park Service in 1996.
SD–366

JUNE 20

10:00 a.m.
Labor and Human Resources
To hold hearings on improving the quality of child care.
SD–430

JUNE 24

9:30 a.m.
Energy and Natural Resources
To meet to further discuss proposals to advance the goals of deregulation and competition in the electric power industry.
SD–366

JUNE 25

9:30 a.m.
Labor and Human Resources
Business meeting, to consider pending calendar business.
SD–430

JUNE 26

9:30 a.m.

Energy and Natural Resources

Forests and Public Land Management Subcommittee

To hold hearings on S. 783, to increase the accessibility of the Boundary Waters Canoe Area Wilderness.

SD–366

Labor and Human Resources

Children and Families Subcommittee

To hold oversight hearings on the implementation of the Family and Medical Leave Act.

SD–430

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold hearings on S. 308, to require the Secretary of the Interior to conduct a study concerning grazing use of certain land within and adjacent to Grand Teton National Park, Wyoming, and to extend temporarily certain grazing privileges, and S. 360, to require adoption of a management plan for the Hells Canyon National Recreation Area that allows appropriate use of motorized and nonmotorized river craft in the recreation area.

SD–366

JULY 10

2:00 p.m.

Energy and Natural Resources

National Parks, Historic Preservation, and Recreation Subcommittee

To hold oversight hearings 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.

SD–366

JULY 23

9:00 a.m.

Finance

International Trade Subcommittee

To hold hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.

SD–215

JULY 30

9:00 a.m.

Finance

International Trade Subcommittee

To resume hearings with the Caucus on International Narcotics Control on the threat to U.S. trade and finance from drug trafficking and international organized crime.

SD–215

POSTPONEMENTS

JUNE 12

9:30 a.m.

Environment and Public Works

Clean Air, Wetlands, Private Property, and Nuclear Safety Subcommittee

To hold hearings on recent administrative and judicial changes to Section 404 of the Federal Water Pollution Control Act.

SD–406